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Illinois Issues

May 2003 \$3.95

A publication of the University of Illinois at Springfield

Crunch time

Do you know where your lawmakers are?

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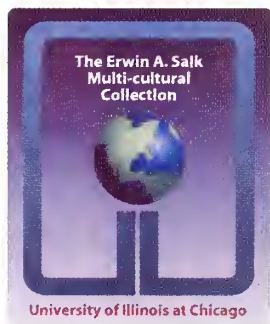


Great libraries are distinguished both by their books and collections of manuscripts, private papers, and organizational records, and many great libraries have become great through gifts from individuals and organizations.

Evelyn Salk recently gave the UIC Library a gift of the personal library and professional papers of her late husband, Erwin, a business and civic leader who died in 2000. The Erwin A. Salk Multi-Cultural Collection covers the social activism of Mr. Salk, who was also an author, educator, and political and social activist in local, regional, national, and international arenas. The collection includes 16,000 books, 400 posters, and 500 boxes of archival materials such as business records of the Salk, Ward and Salk mortgage banking firm for which Mr. Salk served as president, correspondence, board minutes, and reports from Business Executives Move, the DuSable Museum, the Amistad Research Center, the Chicago Center for U.S.-U.S.S.R. Relations and Exchanges, and other organizations he helped found or on whose boards

he served. There are newspaper clippings, pamphlets, articles, other ephemera related to his college course on "Missing Pages in U.S. History" and his book *A Layman's Guide to Negro History* about minorities and their contributions to American history, culture, and economics. The papers also include correspondence to and from local, national, and international politicians, scholars, and policy makers.

The Salk Collection will be available in the Richard J. Daley Library to all researchers and will be of special interest to those studying ethnic and cultural heritage, graphic art by ethnic designers, race relations, and the history of political and social organizations in Chicago.



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Peggy Boyer Long



It's crunch time. Do you know where your lawmakers are?

by Peggy Boyer Long

Death penalty reforms. Cheaper prescription drugs. Gambling options. And an unprecedented budget crisis. Lawmakers face a long might-do list heading into what they surely hope will be the last month of this legislative session.

In the next weeks, they'll scramble through some 2,000 bills aimed at solving a range of perceived problems, many of them old familiars.

They could move to protect the rights of gays, track suspected racial profiling and permit handguns during open deer season. They could put restraints on the rising cost of a college education by limiting tuition increases and shake up the suburban tollway authority with tighter fiscal oversight.

They aren't likely, though, to close the funding gap between the state's rich and poor school districts by overhauling the way state education dollars are distributed or loosen Illinois' enduring and corrosive bond between money and politics.

An expected showdown between business and labor doesn't appear likely either. Four months ago we weighed whether, with Democrats in control of the governor's mansion and the legislature for the first time in

a quarter century, organized labor might flex some newfound muscle. While there's still time for a dustup over significant differences, it appears labor will get a \$1.35 bump in the minimum wage and businesses will pay higher taxes and fees and lose some exemptions.

Traditional tensions between workers and employers appear to have been subsumed in this first session of the new General Assembly by a more immediate need to close the state's historic budget hole, which the new governor, Rod Blagojevich, has pegged at \$5.2 billion through the fiscal year that begins July 1.

There's much for lawmakers to chew on in Blagojevich's first budget, including his plan to tap the road fund and sell state property. And they may want to rejigger his plan for elementary and secondary school spending. Though he called for a \$250 boost in guaranteed per pupil spending, the governor's proposal would eliminate new funding for other state-supported programs, including safety grants and dollars for gifted students. And lawmakers might reduce the size of cuts in higher education, which would have an impact on colleges and universities in their districts.

But the governor's proposal to generate new revenue from gambling boats already has generated the loudest noise — and the most paper. Within minutes of the governor's address, casino lobbyists were faxing their disapproval to news outlets.

Blagojevich proposed boosting the



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boats' top tax rate to 70 percent of adjusted gross receipts of \$250 million or more, up from 50 percent. Gaming spokesmen argue the increase would hurt business. They're pushing instead for an increase in the number of gambling positions, which they figure would mean more dollars for the state. And lawmakers could go along, though negotiations likely will be left to the last hours of budget deliberations.

As is the case in virtually every session, lawmakers might attempt a political bailout of sorts for themselves by creating a state-sponsored plan designed to curtail the cost of prescription drugs. Those costs have been rising, and seniors are hardest hit. Most vulnerable are individuals 65 and over who aren't eligible for subsidies but can't afford insurance coverage for their medicines. In Illinois that constitutes a third of the senior population.

Middle-class seniors also happen to be among the most active voters, and Illinois and other states are scrambling to find a way to meet their needs.

The plan working its way through the legislature yet again would establish state-sponsored discount cards for individuals who are 65 or

older or are disabled. Under the plan, the state would negotiate discounts with drug companies that participate. Cardholders would pay a \$25 annual fee, entitling them to lower prices. Set discounts would be offered on brand name and generic drugs, with deeper discounts coming after negotiations with the drug companies.

But the most controversial policy question lawmakers face could be what to do about the state's death penalty. They've decided not to ban it, but they still face a number of proposals aimed at improving justice under that system. Among the provisions still on the table is one to give state Supreme Court justices authority to overturn a death sentence they find to be unjust. Lawmakers also could reduce the number of eligibility factors for the death sentence, put restrictions on the use of jailhouse snitches, curb uncorroborated eyewitness testimony and require videotaping or audiotaping of interrogations of murder suspects.

Lawmakers face an ambitious agenda, it's true. But in a legislative session, a month is a long time. □

Peggy Boyer Long can be reached at peggyboy@aol.com



Crowds gather at the Capitol whenever the legislature is in town. Among the tourists who come to see Abraham Lincoln's hometown, activists use the Statehouse steps as a staging area for rallies.

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Credits: The cover was designed by Illinois Issues Art Director Diana Nelson.

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Subscription questions: Illinois Issues, Subscription Division, P.O. Box 2795, Springfield, IL 62708-2795 or call 1-800-508-0266. Hours are 8:00 a.m. - 5:00 p.m. Central Time, Monday-Friday (except holidays). **Subscriptions:** \$39.95 one year/ \$72 two years/ \$105 three years; student rate is \$20 a year. Individual copy is \$3.95. Back issue is \$5. *Illinois Issues* is indexed in the PAIS Bulletin and is available electronically on our home page: <http://illinoisissues.uis.edu>. *Illinois Issues* (ISSN 0738-9663) is published monthly, except during the summer when July and August are combined. Periodical postage paid at Springfield, IL, and additional mailing offices.
Postmaster: Send address changes to *Illinois Issues*, Subscription Division, P.O. Box 19243, Springfield, IL 62794-9243.
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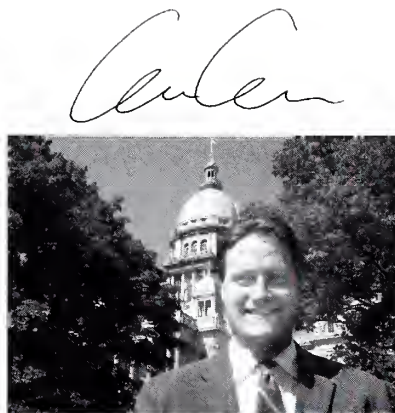
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Lawmakers debate reform rather than abolition of the state's death penalty

by Aaron Chambers

The bill to abolish the death penalty was not called for a vote on the House floor. Rep. Art Turner, the sponsor, says he simply couldn't muster the votes necessary for passage.

By pulling the bill, Turner avoided forcing his colleagues to state for the record whether they support the ultimate punishment. But one thing is clear: Lawmakers are comfortable, if not enthusiastic, with keeping that statute on the books.

Turner, a Chicago Democrat, says he secured support from some 40 House members — roughly one-third of the 118-member chamber. Other members pondered his cause, he says, but decided they'd rather give reforms aimed at preventing wrongful convictions a chance to work.

"They've heard this issue about reforms and some changes to the system," he says, "and they want to see what the reforms are going to do."

Then there's the political reality of murder: It keeps happening, all over the state. And the justice system keeps moving forward, despite former Gov. George Ryan's blanket commutation of Death Row inmates, the moratorium on executions, which Gov. Rod Blagojevich says remains in place, and concerns from the likes of Ryan and retired Illinois Supreme Court Chief Justice Moses Harrison

When constituents call for justice for murder victims, it's not politically advantageous for most lawmakers to vote against the availability of the harshest punishment.

that the state could execute an innocent person. Prosecutors are seeking death in murder cases, and courts are granting it.

When constituents call for justice for murder victims, it's not politically advantageous for most lawmakers to vote against the availability of the harshest punishment. And those lawmakers appear to be in line with a majority of the public. According to a Zogby poll published in February by the *St. Louis Post-Dispatch*, 55.4 percent of Illinoisans "strongly or somewhat support" the death penalty.

"Obviously there are abolitionists who say the only reform is to abolish the system. And that's not politically feasible yet," says Sen. John Cullerton, a Chicago Democrat and co-chair of

the Senate Judiciary Committee. "So you have a choice, then, to make: Do you want to try to make it better so that innocent people don't get convicted in the first place, or do you not try to reform it and claim the system doesn't work?"

Lawmakers are focused on the former. This legislative session, they are set to approve a package of reform proposals that represents the culmination of three years of study that began with Ryan's moratorium declaration in January 2000.

Two bills, sponsored by Cullerton and Rep. Mary Kay O'Brien, a Watseka Democrat, contain the proposals. By mid-April, each had been approved by its original chamber. Proponents are studying how to merge them for passage by both chambers.

Though the package doesn't encompass all of the 85 recommendations made by a commission Ryan formed to study administration of the death penalty, it includes several provisions that could fundamentally alter the handling of these cases at the trial and appellate levels.

Chief among them: The Illinois Supreme Court would have an express statutory mechanism to overturn a death sentence it found to be "fundamentally unjust." Under current law, the thinking behind this provision goes, the court must find a procedural

error to tamper with such a sentence. The proposed language would permit the court, in the absence of specific procedural error, to reverse a death sentence based on the facts alone.

Neither bill would eliminate the most controversial factor that, together with murder, can make a defendant eligible for death: murder in the course of a felony. But both would reduce the list of felonies within this factor.

O'Brien's bill would go a step further by eliminating five other eligibility factors: murder committed in the course of a hijacking, in the course of one of several drug offenses, while incarcerated, during a drive-by shooting and when the defendant, as head of a criminal drug conspiracy, orders the death.

Other reform provisions under consideration would permit a defendant in any criminal matter to request that DNA tests of evidence be compared against the state police DNA database; require hearings on whether testimony from a so-called jailhouse informant is reliable; expressly permit a judge to decertify a capital case when a conviction is based solely on the "uncorroborated" testimony of an eyewitness, which would preclude the state from seeking death; define mental retardation for purposes of the death penalty; and require that police lineups be photographed.

A third bill, sponsored by Sen. Barack Obama, a Chicago Democrat, would require investigators to videotape or audiotape interrogations of murder suspects. Otherwise, statements made in the course of interrogation would be inadmissible in court. The proposed mandate does contain several exemptions, though. For instance, statements not recorded could be admitted if electronic recording wasn't feasible or if prosecutors prove the statement was voluntary.

So that such recordings could be made surreptitiously, the bill would exempt them from the state law prohibiting electronic eavesdropping.

Meanwhile, Blagojevich has adopted Ryan's death penalty mantra: The system is broken and must be fixed. Thanks to Ryan's blanket clemency, though, it's unlikely Blagojevich

This legislative session, they are set to approve a package of reform proposals that represents the culmination of three years of study.

would soon have to reconcile that statement with executing a person convicted under a system he calls broken.

Anthony Mertz, the first defendant to join Death Row after the blanket clemency, likely will face several years of appeals before the governor must decide whether to sign off on his death. Mertz was sentenced in late February for the murder of an Eastern Illinois University student, Shannon McNamara of Rolling Meadows.

However, the state Supreme Court could complicate this equation for Blagojevich. Last month, the court agreed to hear arguments on whether Ryan had the authority to commute death sentences in cases where the inmates either were awaiting resentencing or had not signed their petitions for clemency.

That makes it conceivable that 34 people, convicted under the so-called broken system, could return to Death Row. Some of these inmates are well along in the appeals process and would be eligible for execution sooner.

Attorney General Lisa Madigan brought the challenge with respect to the "unsentenced," those 16 inmates who were awaiting resentencing after their death sentences were vacated on appeal, and the "unsigned," those 21 inmates who failed to sign clemency petitions. Three inmates fall into both categories, so there are only 34 inmates at issue.

The challenge to the commutations of the unsentenced centers on the definition of "conviction." Though the Illinois Constitution permits the governor to grant clemency "after conviction," prosecutors argue that conviction, for purposes of clemency,

is not achieved until a defendant is sentenced.

Defense attorneys respond that conviction, under case law, is achieved with a judgment of guilt. In the alternative, they argue, it's achieved once a defendant is found guilty and sentenced — regardless of whether the sentence is subsequently reversed.

As for the unsigned, prosecutors note that statute requires inmates seeking clemency to sign their requests, except in cases where the inmates are physically or mentally unable to do so. Therefore, they argue, these inmates did not qualify for clemency.

Defense attorneys point to the following language in the statute requiring prisoners to sign clemency requests: "Nothing in this section shall be construed to limit the power of the governor under the Constitution to grant a reprieve, commutation of sentence or pardon."

The Blagojevich Administration also has weighed in on the case — with a position opposite that of Madigan. Attorneys with the Chicago law firm of Kirkland & Ellis represent the administration. They argued in a motion filed with the court that Ryan's action was properly founded in executive authority and that Madigan's position is at odds with principles of separation of powers. "The incumbent governor," they wrote, "has stated publicly that he disagrees with [the blanket clemency] but further that, irrespective of one's views of whether or not Governor Ryan should have issued a blanket commutation order, he had the constitutional power to do so."

Still, the more immediate concern at the Statehouse is how to improve the functioning of the ultimate punishment. Ironically, lawmakers are poised to create another commission to study over five years whether reforms implemented this year are successful.

Turner, the lawmaker disappointed that his abolition bill didn't inspire support, is not optimistic. "If I'm not around [in the legislature] five years from now," he says, "you can say that Art Turner said that those reforms are not going to change a damn thing." □

Aaron Chambers can be reached at statehousebureau@aol.com.

BRIEFLY

WEST NILE

Local budgets bled dry

Summer brings mosquitoes. And the West Nile virus. Local officials throughout the state are gearing up for a second major bout with that virus, which has been transmitted primarily by the northern house mosquito. Public health departments are preparing information on protection and planning measures for control. But while mosquito season isn't here yet, budgets are coming up short.

"This is the primary event," says Sam Churchill, director of environmental health for the Peoria County health department. "We're overwhelmed."

There's good reason for concern. Illinois led the nation last year with 877 human cases, including 62 deaths.

Of course there's a possibility the virus won't be as widespread this year, says Linn Haramis, an entomologist with the state's Department of Public Health. But Haramis says it's impossible to predict the prevalence of West Nile virus because it's linked to the mosquito population, which depends on weather conditions.

Though the state public health agency provided more than \$460,000 in grants last year to help local departments control



Aedes albopictus, the Asian tiger mosquito, imported in used tires, is one of 12 Illinois species of mosquito found with the West Nile virus.

mosquitoes and provide education, some local departments have used all of those dollars.

Barb Hohlt, director of health protection for the St. Clair County health department, says her agency spent nearly \$20,000 last year — \$18,000 of that was a state grant — for public education and surveillance of the virus. But the grant was intended to last until June 2004. Without an increase, Hohlt says, her agency's services this summer will be limited.

"We'll still function in giving out education," she says, but the extras,

including mosquito and dead bird surveillance, might be suspended. Other health departments, such as those in Cook, Peoria and Sangamon counties, note they have had to absorb some of the costs of education on the virus into their existing health education budgets.

In an effort to help local officials, Sen. Terry Link, a Vernon Hills Democrat, is sponsoring a measure to raise the fee on tire sales from \$1 to \$1.50 per tire to provide the state health department with more resources to pass along in grants. The increased fee, Link says, could generate \$3 million for the Used Tire Management Fund, which divvies its revenue to seven state agencies to dispose of used tires, a breeding ground for mosquitoes, and provide for mosquito abatement. His proposal was approved by the Senate. House Speaker Michael Madigan, a Chicago Democrat, is sponsoring it in that chamber.

"With the \$5 billion deficit in our general revenue fund, the state health department doesn't have the money to help local health departments," says Link. "We're still facing a crisis with the West Nile virus."

Bethany K. Warner

New front in the telecom battle

Legislation to deregulate broadband, the increasingly popular high-speed Internet service, has revived Statehouse debate over deregulation of local phone service (see *Illinois Issues*, May 2001, page 16, and May 1996, page 13).

SBC, the phone giant formerly known as Ameritech, wants the General Assembly to block the state from requiring SBC to lease its phone lines at regulated rates to competitors for purposes of broadband. SBC argues that would level the playing field with cable television companies — its biggest competitor and the dominant force in broadband.

Indeed, the Federal Communications Commission ruled in February that SBC and other former Bell telephone companies are free to set rates when they lease new or upgraded networks to competitors for broadband.

But opponents of the Illinois proposal, including AT&T and a host of local telephone providers, note that phone calls and broadband service travel to residential customers on the

same lines. They argue the legislation, which would deregulate providers of broadband service, could block the state from requiring SBC to lease those lines to local phone providers at regulated rates for purposes of voice service. As of mid-April, the measure remained in the Senate. The sponsor is Sen. Denny Jacobs, an East Moline Democrat.

The bottom line for AT&T and other companies wrestling for a share of local phone service: SBC controls most of the state's telephone lines. And if SBC were free to set the rates at which competing local voice service providers lease those lines, those competitors could be forced out of the market.

"The bill, in our interpretation, would deregulate voice service to the extent that it travels on a high-speed network," says Martin Cohen, executive director of the Citizens Utility Board, a watchdog group opposed to the measure. "It won't be very long before SBC's entire network is capable of high speed."

SBC spokeswoman Andrea Brands responds that her company has "no interest" in deregulating the local voice market. "It's a scare tactic," she says.

Aaron Chambers

LEGI CHECKLIST

The General Assembly is scheduled to adjourn on the 23rd of this month. The possibility remains, however, that lawmakers will work into the summer to craft a budget for the next fiscal year that would begin to reconcile an estimated \$5 billion deficit. By mid-April, the Senate had approved 699 measures and the House had approved 1,783. Bills must be approved in the same form by both chambers before they can go to the governor.

Civil rights

The Statehouse was again a rallying ground for groups protesting Illinois' efforts to ratify the proposed 1972 Equal Rights Amendment to the U.S. Constitution. Some 200 women showed up to challenge the proposed amendment, which, if approved by Illinois and two other states — Congress may need to extend the ratification deadline — would give women equal protection under the Constitution.

Opponents argue the amendment would send women to the front lines of combat, legalize same-sex marriages and force states to pay for abortions. Phyllis Schlafly, a noted anti-ERA advocate in the 1970s and 80s, was again a prominent figure in Springfield. "This is an effort in futility and simply stirs up all kinds of passions; it doesn't do any good," she says.

Rep. Lou Lang, a Skokie Democrat and the resolution's sponsor, says the anti-ERA rally helped his cause because the arguments against it are "so spurious and off-base." He says some legislators are now indicating they will vote for the resolution after hearing the protestors' claims. It needs 71 votes to pass the House.

At the same time, measures aimed at protecting women's rights are moving through the legislature. A proposal was approved by the House making it illegal to obstruct a woman's entrance to an abortion clinic. Though a federal law already prohibits intimidating or obstructing someone outside a clinic, the bill's sponsor, Rep. Elaine Nekritz, a Northbrook Democrat, says the change in state statute is necessary to get local police departments involved in enforcement.

Anti-abortion interests argue it would

violate free-speech rights of those doing sidewalk counseling. Nekritz counters the proposal is intended to regulate "conduct, not speech," and that no one would be prohibited from counseling or distributing pamphlets outside a clinic.

Another measure, sponsored by Chicago Democratic Sen. Carol Ronen, requiring employers to pay women the same wage as men for the same work, was approved by the Senate.

Minimum wage

Illinois' minimum wage could go up. The Senate approved a proposal to raise it from \$5.15 an hour. Sponsored by Sen. Kimberly Lightford, a Chicago Democrat, the measure gradually raises the wage to \$6.00 in September 2003 and to \$6.50 in September 2004. Gov. Rod Blagojevich supports the wage increase.

Seatbelts

Cops could pull drivers over for not wearing seatbelts under a measure approved by the Senate. Currently, drivers can be cited for seatbelt violations only if they are pulled over for another reason. The bill, sponsored by Sen. John Cullerton, a Chicago Democrat, would not permit an officer to search the car or driver solely based on the seatbelt violation. While Cullerton says he intends to motivate drivers to wear their seatbelts, Senate Republican Leader Frank Watson, from Greenville, decried the proposal as a "Big Brother issue." Most Senate Republicans voted against the bill, which now goes to the House.

Criminal justice

To monitor racial profiling, the House and Senate have approved versions of a proposal requiring police to record the race of motorists they pull over.

Computer repairers or Internet service providers would have to report any child pornography they find on the machines they repair under a measure sponsored by Rep. Jack Franks, a Woodstock Democrat. Not reporting the images would result in \$1,000 fines. Illinois law already requires photo processors to report child pornography.

Finding jobs for hard-to-employ

convicts would be the focus of a pilot program proposed by Rep. Art Turner, a Chicago Democrat. The program is modeled after other transitional job programs used to help welfare-to-work participants. The program, aimed at reaching 300 ex-offenders who have no work history or job skills, is expected to cost about \$1.2 million. Finding jobs after prison dramatically reduces recidivism of ex-offenders, says John Bouman, advocacy director at the National Center for Poverty Law. The House approved Turner's proposal.

Taxes

The state's Earned Income Tax Credit would become permanent under proposals working their way through the legislature. A House measure, sponsored by Chicago Democratic Rep. Barbara Flynn Currie, and a Senate measure, sponsored by Sen. Barack Obama, also a Chicago Democrat, would extend the credit past its current June expiration date.

The tax credit offsets income tax liability for low-income families. Currie's bill would also make the credit refundable so that recipients who qualify for more credit than needed to cover their income taxes would be issued refund checks for the difference. Blagojevich said in his budget address that he supports the credit.

Voices for Illinois Children, a Chicago-based children's advocacy group, says the state's credit benefits 584,000 low-income Illinois families and could help another 170,000 if it is made refundable.

Both proposals have been approved by their respective chambers.

Education

Ensuring that schools get the funding they're due is the focus of two legislative proposals. One, sponsored by Senate President Emil Jones Jr., a Chicago Democrat, would make education a continuing appropriation so that it is always funded first. The measure, which passed the Senate, would take effect this year in an effort to close a \$22 million gap in this fiscal year's appropriations to schools. A proposal by Rep. Bill Mitchell, a Forsyth Republican, would change the payment schedule for general state aid to schools. Currently, the state makes 24

payments. The House passed Mitchell's proposal to reduce the schedule to 22 payments to be made before June 30, ensuring that the final payments couldn't be frozen in tough budget years. In his budget address, the governor pledged the last payments would be made this year (see *Illinois Issues*, April 2003, page 14).

The House also approved a proposal to create a task force to study the use of a four-day school week. While some legislators objected to the four-day idea because it could make more elementary students latchkey kids, the bill's sponsor, Rep. Rosemary Mulligan, a Des Plaines Republican, says the task force is aimed at studying ways districts could be more flexible with the hours kids are in school.

Health care

Health care providers who work with the developmentally disabled or the mentally ill would get their Medicaid reimbursement payments sooner under a measure sponsored by House Speaker Michael Madigan, a Chicago Democrat. It requires the comptroller to make the payments to those agencies a priority over other Medicaid providers, such as long-term care facilities and pharmacies. Currently, the state owes \$450 million in back payments to Medicaid providers.

Hypodermic needles could be sold without a prescription under a bill going through the General Assembly. The Senate narrowly approved the proposal, which is aimed at stopping the spread of HIV/AIDS and Hepatitis C. Sen. Donne Trotter, a Chicago Democrat, is the sponsor. The measure would not establish a program to encourage needle users to exchange dirty needles for clean ones, and that concerns some legislators. They contend more dirty needles will be introduced into the community. But David Munar, associate director of the AIDS Foundation in Chicago, an HIV/AIDS prevention and support advocacy group, says the concerns are unfounded. He says other states that permit needle users to buy needles over the counter have not experienced an increase in drug use or accidental pricks by dirty needles.

Insurance companies would be required to cover prescription contraceptives such as the birth control pill under a measure

sponsored by Rep. Sara Feigenholtz, a Chicago Democrat. Illinois Planned Parenthood supports the proposal, saying only 33 percent of insurance plans cover contraceptives. However, Robert Gilligan, executive director of The Catholic Conference of Illinois, which opposes the bill, says it would force Catholics to pay for "something we find morally objectionable."

Historic preservation

Preserving the Underground Railroad and Freedom Trail in Illinois could become the responsibility of the Historic Preservation Agency. The proposal, sponsored by Sen. Donne Trotter, a Chicago Democrat, requires that agency to set up a commission to study preserving the trail and placing it on the National Register of Historic Places. Underground Railroad routes, used by fleeing slaves, ran from Cairo to Chicago. David Blanchette, the agency's spokesman, says preserving those routes would provide considerable opportunities for tourism and education. However, he says the agency is concerned because the bill does not provide funding for establishing the commission. The proposal was approved by the Senate.

Boards

Most salaries and per diems granted to members of the state's boards and commissions would be eliminated under a proposal sponsored by Rep. Jay Hoffman, a Collinsville Democrat. Axing the pay is an initiative of Gov. Rod Blagojevich. The governor already eliminated 11 boards by executive order. The measure also would give him the authority to appoint the chairpersons of several boards.

Stem cells

Stem-cell research would be permitted in the state under a House bill sponsored by Chicago Democratic Rep. Sara Feigenholtz. The measure would permit women undergoing fertility treatments to donate extra embryos for the research. Selling embryos would be a criminal offense. Several legislators are concerned the bill does not explicitly prohibit stem-cell research that could lead

to the cloning of a human. A separate measure to ban cloning was never heard in committee.

Welfare reform

Several measures benefiting low-income residents have been approved by the House. One bill sponsored by Rep. David Winters, a Shirland Republican, will set up a committee to help communities apply for federal funds so that low-income workers can get to their jobs using mass transit.

According to Work, Welfare and Families, a coalition working on poverty issues, unavailability and unaffordability of transportation is a barrier for many families transitioning from welfare to work.

A second measure, sponsored by Rep. Sara Feigenholtz, would remove the family caps on subsidies under the Temporary Assistance for Needy Families welfare program. Currently, a family's assistance grant does not increase if they have another child.

"I think that there was a tongue-in-cheek belief that certain people just had more children to get more money," she says. "And I think that [the policy] was inappropriate; punishing people for having children is not great public policy."

Feigenholtz also is sponsoring a measure to make it illegal to discriminate in state assistance payments because of marital status. Current federal welfare reform policy advocates marriage as a means of reducing poverty.

Guns

Manufacturing or possessing semi-automatic assault weapons or other rapid-fire guns would be prohibited under a bill sponsored by Sen. Antonio Munoz, a Chicago Democrat.

Handguns would be permitted during regular deer season under similar measures that passed both chambers. Currently, hunters can only use large-caliber handguns in select counties during a special three-day season in January. The Illinois Council Against Handgun Violence is concerned that more accidental shootings could result.

Bethany K. Warner

DOOMSDAY

Do you know what time it is?

The Doomsday Clock stands at seven minutes to midnight. And, at least for now, that's where it will stay.

Though the war in Iraq worries the scientists who decide where to set the clock — midnight would symbolize nuclear apocalypse — they suspect that the war will end too quickly to warrant adjusting the time forward.

The minute hand on the clock, housed at the University of Chicago, has shifted 17 times — backward as well as forward — since its creation in 1947. It debuted at seven minutes before midnight. Last year, the time was moved forward from nine minutes to midnight in reaction to President George W. Bush's withdrawal from the international anti-ballistic missile treaty and other world events.

Though the current conflict could involve chemical or biological weapons, Stephen Schwartz, publisher of the *Bulletin of the Atomic Scientists*, says those weapons pose different dangers. It's more difficult to deploy biological weapons that will affect mass groups of people.

The *Bulletin's* board of directors set the clock. Schwartz says in order to preserve the clock's credibility they want to avoid changing the setting too frequently. Because the clock assesses nuclear security, using other weapons of mass destruction might not move the hands of the clock. "The clock responds to events. It doesn't anticipate them," Schwartz says.

Still, Schwartz and the board are concerned about the Bush Administration's decision to launch a "preventive war," and worry that move could affect continuing tensions between nuclear states India and Pakistan over the control of Kashmir, a strip of land between them. The board also is disturbed by North Korea's decision to back out of a 1968 nuclear nonproliferation treaty, which Schwartz classifies as a "significant and immediate threat."

The board will meet next month to discuss the impact of world events on the clock's setting. The time, says Schwartz, "really depends on events over which we have no control."

Bethany K. Warner



Leon Lederman, a 1988 Nobel Laureate in physics and professor emeritus at the University of Chicago, set the Doomsday Clock at seven minutes to midnight on February 27, 2002. The clock debuted in 1947 and was designed to assess nuclear security. The hands were moved two minutes forward last year in reaction to President George W. Bush's withdrawal from the international anti-ballistic missile treaty and other world events. The clock is set by the board of directors of the Bulletin of the Atomic Scientists, which is published at the University of Chicago.

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Private efforts under way to save the glass house

Attorney General Lisa Madigan's decision to halt the state's purchase of the Farnsworth House, a famous 20th century glass-and-steel structure in Plano, set off a scramble among architectural fans to keep the Mies van der Rohe masterpiece in Illinois.

Ludwig Mies van der Rohe designed the house as a place of solace where the elements of nature meet the ideals of modern architecture. Fans admire it because of its simplicity. The bare-boned structure is considered an icon of the International Style, which Mies helped define with his mantra, "Less is more." After World War II, architects abandoned traditional trappings on the premise that a building's structure should be ornament enough.



Photograph by Jon Miller at Hedrich-Blessing

A group of leading patrons, artists and critics urged the state to buy the residence (see *Illinois Issues*, September 2001, page 28). But in February, Madigan determined that the proposed purchase of the glass house would be "unwise, unsound and unacceptable" during the state's budget crisis. Its current owner gave the state first dibs on the coveted property, but Madigan's decision means the house

could go on the auction block as soon as this month.

Advocates worry that a new buyer could move the small house or develop the lot it's set on. Jayne Thompson, wife of former Gov. James R. Thompson, an advocate of the state purchase, is organizing an informal campaign on behalf of the Friends of the Farnsworth House to

raise an estimated \$7 million from wealthy donors to buy the Fox River property.

"Basically, what we're looking for are some angels," she says, noting that time constraints prevented a traditional broad-based fundraising drive.

"It's really a treasure, and it's our treasure."

Daniel C. Vock

Statehouse bureau, Chicago Daily Law Bulletin

The governor's budget plan is on the table. Let the wrangling begin

Everybody knew Gov. Rod Blagojevich's first budget would be painful. The only question was who would be hurt and who would be spared as the governor looked for ways to span a \$5 billion gap. In the end, he did it with moderate cuts, targeted tax and fee hikes and a series of one-time deals that could cost the state for decades to come.

The spending plan for next fiscal year, especially the part outlining new revenues, drew opposition from small businesses and riverboat casinos, as well as lawmakers concerned about the state's debt burden and credit rating. But it drew support from unions, manufacturers and retailers, who succeeded in defending their top priorities.

The governor would:

- Increase the take from riverboats. He asked to shift tax brackets so that higher rates kick in at lower income levels. In addition, he called for taxing income above \$250 million at 70 percent, rather than the current rate of 50 percent. And he suggested upping the entrance fee for visitors to \$5 instead of \$3. The moves could bring in more than \$200 million.

He also relies on the sale of the 10th riverboat license, which is now tied up in several legal disputes. He estimates that move will generate \$350 million.

- Impose sales taxes on items that have long been exempt, such as out-of-state natural gas, cargo vehicles and graphic arts equipment, for another \$323 million.

- Hike a wide variety of fees, mostly paid by business, to take in \$100 million. The long list includes fees for liquor licenses, lobbyist registration, pollution sanctions and business-related documents filed with the secretary of state.

- Sell state assets, including the Thompson Center in Chicago, the tollway's Downers Grove headquarters and land in Elgin, for \$233 million. The state could continue to lease the Thompson Center and even buy it back, depending on how the deal is structured.

- Eliminate merit raises for nonunionized state employees next year and cease to pay pension contributions for many union employees.

- Replace only a quarter of the state

employees who took early retirement.

- Slow the state's building program.
- Scale back higher education funding by \$112 million in general funds.
- Keep the estate tax in Illinois, even as it is being eliminated on the federal level.
- Increase the "foundation level" of state support for local schools by \$250 per student. Many school districts, however, would receive less money in specially earmarked grants.

The governor's budget also depends on \$1.9 billion from the sale of bonds to cover the state's pension obligations through fiscal year 2004.

Lawmakers must now consider the governor's proposal, along with alternatives put forth by lobbyists from the gaming industry, higher education and scores of other interest groups. They are scheduled to finish business by the end of May.

If the budget isn't approved by that time, the Democrats, who make up a majority of both chambers of the General Assembly, will need Republican votes to get it passed.

Daniel C. Vock

Students begin an Odyssey through education

In the basement of Springfield's Family Service Center, a group of scholars is poring over Sophocles' *Antigone*. The group is diverse in age, race and gender, but it is united in two things: They all live at or near the poverty level, and they all have a desire to learn.

Jennifer Haytock, an English professor at the University of Illinois at Springfield, is leading the class through the conflict of public and private interests in the classic drama. The discussion is lively and, while some of the comments reflect novel interpretations, it reveals budding understanding.

This is exactly the program's intent. Since its beginnings in 1994 on New York's Lower East Side, the Clemente Course in the Humanities has grown to become an international movement, with classes from the Yucatan to Alaska.

The Springfield group, called the Odyssey Project, is sponsored by the Illinois Humanities Council. The students study philosophy, composition, art history, American history and literature four hours each week over an eight-month period. They earn six hours of transferrable college credit upon completion of the course.

The program is founded on the idea that by providing underprivileged students with college-level instruction in the humanities, they will gain the skills needed to actively and effectively participate in public life.

The class will graduate this month. Somewhere Sophocles is smiling.

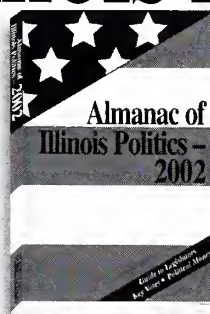
Joseph Andrew Carrier

Fitzgerald bows out



U.S. Sen. Peter Fitzgerald announced he will not run for re-election in 2004. Fitzgerald, a Republican from suburban Inverness, beat Democratic incumbent Carol Moseley-Braun in 1998. His legacy includes appointing corruption-fighter Patrick Fitzgerald as U.S. attorney in Chicago and obstructing a deal to expand O'Hare International Airport. He also bucked the GOP on issues such as gun control and the environment. "Independence is my objective," Fitzgerald told *Illinois Issues* in 2000. The White House was eying former Gov. Jim Edgar as the GOP candidate.

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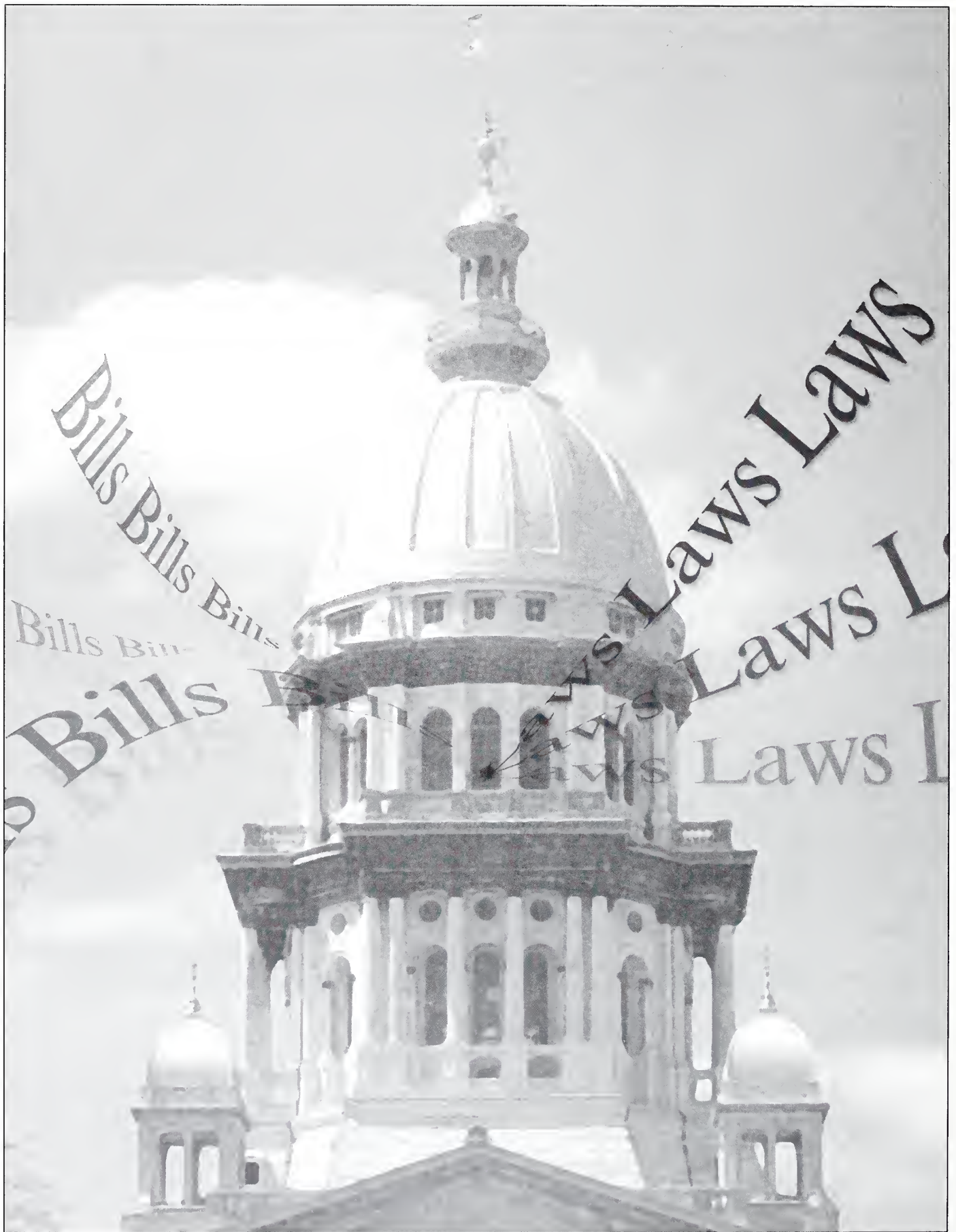
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Pedophiles to pornographers

The states have been getting tougher on sex offenders. But over the next year, Illinois lawmakers are poised to consider this state's tightest restrictions yet

by Aaron Chambers

Sex offenders appear everywhere. They're in Chicago, in Galena, in Cairo, and most places in between. There's Michael Lee Clayton who lives on Willow in Effingham. There's William Bence on 12th in Quincy. There's Frederick Stanford on Harmon in Danville.

With 14,692 registered adult sex offenders posted on the Illinois State Police Web site, there's a fair chance of finding one in any given neighborhood. The details of their crimes are withheld from the online registry, but the message is clear: Be wary. These people have committed crimes of a sexual nature, and they could do so again. Yet the collected data is as much a statement about the extraordinary lengths to which Illinois has gone to contain these criminals as it is about the pervasiveness of the crime.

There's plenty of debate over what drives these offenders. Do they possess an inherent disorder, or do

they attack other people simply for pleasure? But there's widespread agreement that sex offenders have a high propensity to repeat their crimes.

With that in mind, Illinois and other states have in recent years given extraordinary attention to this class of criminals. States have required them to register their whereabouts and, in some cases, get treatment — or stay behind bars. Further, states have expanded the list of crimes that qualify as sex offenses, often creating new offenses altogether, and they have enhanced punishment.

But over the next year, Illinois lawmakers are poised to consider this state's tightest restrictions yet. Should they adopt a plan proposed by Attorney General Lisa Madigan, sex offenders could be subject to lifetime supervision. What's more, her proposal would revive a flexible sentencing scheme designed to emphasize rehabilitation. That scheme, abandoned by the state

25 years ago, would establish a range of years to be served, rather than a fixed-length sentence, theoretically giving inmates an incentive to improve their behavior in order to qualify for parole.

"Our goal is very easy," Madigan says. "It's to make sure that we are protecting women and children who live in the state of Illinois from sex offenders."

Nevertheless, that legislation was tabled after introduction. Proponents intend to hold hearings this summer, and prepare the measure for debate next spring. Chief among the concerns is the proposal's potential cost.

Meanwhile, other measures dealing with sex offenders are pending this spring. They would give prosecutors more time to bring charges of child sex abuse; require sex offenders to give their e-mail addresses and screen names to the state police; require sex offenders who move to provide written documentation to law

enforcement authorities within 30 days; require residential leases and purchase agreements for condominiums or housing cooperatives to explain how to get information about registered sex offenders; and prohibit child sex offenders from operating a business where children are photographed or such photos are sold.

The U.S. Supreme Court has granted states considerable leeway to restrict and monitor the activities of these offenders. In March, the high court strongly backed so-called Megan's Laws, which require that information about sex offenders be disseminated to the public. Those laws, in place in every state, are named after a New Jersey girl raped and murdered by a twice-convicted sex offender who lived across the street from her family's house. The high court also has consistently upheld statutes permitting indefinite confinement of sex offenders under civil order when it is deemed necessary to protect the public.

Madigan and other prosecutors stress that these criminals, in particular, can destroy communities with their acts.

Still, critics of the trend toward

greater restrictions argue Illinois has already gone too far. "We've cast far too wide a net," says Brian Otwell, Sangamon County public defender and president of the Illinois Public Defender Association. Referring to Madigan's proposal for lifetime supervision and flexible sentencing, Otwell says, "This proposal is the worst example of that that I've seen so far."

Restrictions on sex offenders in this state, as in other states, have evolved well beyond containment of the classic sex offender: the pedophile. For instance, there are at least 31 registrable offenses. People convicted of any of these crimes, including possession of child pornography, sexual relations within families and first degree murder of a child, must register with the Illinois State Police. The department provides basic information about these offenders at www.isp.state.il.us/sor/frames.htm.

They must register in person in each of 10 years after conviction. If a sex offender is sentenced to prison, the 10-year period begins at the date of discharge. Offenders who are adjudicated as sexually dangerous or sexually violent under Illinois laws that

provide for indefinite civil commitment must register with law enforcement every 90 days for life. Current law also generally prohibits child sex offenders from living or loitering within 500 feet of a school. And child sex offenders are prohibited from approaching or communicating with a child in a public park.

Madigan's proposal, though lawmakers won't address it this spring, would provide for the most dramatic expansion to date of laws restricting sex offenders.

Proponents stress that it's conceptual in nature, and that changes likely will be made over the next year. "What you're looking at won't be the end result," says Rep. Mary Kay O'Brien, a Watseka Democrat and the measure's sponsor. Still, Madigan says she's committed to the principles of lifetime supervision and flexible, so-called indeterminate, sentencing for this class of criminals.

Illinois switched from indeterminate to determinate, or fixed-length, sentencing in 1978 as part of a national trend toward tougher sentencing laws. Though the flexible scheme was said to emphasize rehabilitation, critics maintained it left too much discretion

Illinois' efforts to restrict and monitor sex offenders

1938 Illinois implemented what evolved into the Sexually Dangerous Persons Act. Current law permits prosecutors to ask a civil court to declare anyone facing a criminal charge a sexually dangerous person. That person can then be held indefinitely under a civil order, in lieu of a criminal prosecution, at the state Department of Corrections. The department maintains a treatment program for these offenders at Big Muddy River Correctional Center.

1986 Illinois implemented its first sex offender registration law. The law required anyone convicted more than once of sex crimes against victims under the age of 18 to register with the local police department. Crimes that must be registered included criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse and aggravated criminal sexual abuse.

1993 The registration requirement was expanded to include persons convicted of a single sex crime against a victim under the age of 18.

SOURCE: *The Illinois State Police Guide to Sex Offender Registration and Community Notification in Illinois, the Illinois State Police Web site and Illinois Compiled Statutes.*

to judges in setting an offender's sentencing range, and to the parole board in deciding how much time the offender would spend in prison. Justice, these critics argued, was uncertain.

Determinate sentencing, approved simultaneously with a tough new category of crime called Class X, brought the promise of swift and sure punishment. Under a subsequent law, murderers and most violent criminals must serve 85 percent to 100 percent of their sentences. Others get credit for good behavior and can be released after serving half of their sentences.

Madigan's proposal, at least in its initial form, would blend the two schemes by providing stiff punishment and the option of parole after a minimum term is complete. Certain nonviolent offenders apparently could be eligible for probation.

"Obviously you need to punish the criminal for the crime he's committed," Madigan says. "In addition, with sex offenders, you can keep somebody in prison for five years, but if you fail to treat that individual there is almost a 50 percent chance he will go out and reoffend. Therefore, you need the flexibility that is provided with

indeterminate sentencing to allow that type of treatment to take place, to allow an evaluation of it, to make sure that we have done all that we can in terms of treatment so as to allow that person to re-enter a community and not put the people living in that community in danger of being victimized."

The floor of this flexible sentencing range would be determined by the crime. The ceiling of the range, in all cases, would be a maximum of life imprisonment. That could effectively mean indefinite incarceration for some sex offenders. "If there are people who cannot be prevented from raping or assaulting women or children," Madigan says, "they should not be in our communities or out on our streets."

Beyond that, the sentencing formula in the measure is complex. Basically, an indeterminate range would be based on the current statutory range within which judges set determinate sentences. But the formula would severely lengthen the mandatory minimum sentence in some cases. In cases where the victim is a child or the offender knows he has HIV but nonetheless penetrates the victim,

the floor of the sentence would be triple the upper limit of the current statutory range. In other words, a Class X offender who, under current law, would serve a term of six to 30 years would, under this provision, be required to serve a minimum of 90 years.

This raises concerns about whether punishment would be proportionate to the crime — something required by the Illinois Constitution. The sentencing range for first degree murder, after all, is 20 to 60 years. It also raises concerns about whether the new scheme would contradict the stated emphasis on rehabilitation.

"If the thought is you're going to provide greater rehabilitation and then you have provisions of the bill that provide for mandatory minimums that are much greater than would ordinarily be given, then it seems to me you're cutting against the argument that you're making," says John Piland, Champaign County state's attorney and president of the Illinois State's Attorneys Association.

Madigan spokeswoman Melissa Merz responds that proponents specifically asked for further study of the measure to deal with

1996 The registration requirement was expanded to include people convicted of a felony sex crime — including crimes against adults — or an attempt to commit such an offense.

A separate law further expanded the list of offenses requiring registration. Additional offenses included first degree murder when the victim was under the age of 18, kidnapping or unlawful restraint when the victim was under the age of 18 and predatory criminal sexual assault of a child when the offender, an adult, penetrates the child.

1997 Information on all sex offenders was made public.

1998 The state implemented the Sexually Violent Persons Commitment Act. Like the Sexually Dangerous Persons Act, this law provides for indefinite civil confinement of sex offenders. This law is different, however, in that prosecutors use it to keep an offender confined after he completes his criminal sentence. The state Department of Human Services holds and treats these individuals at the former Joliet Correctional Center.

1999 Law enforcement authorities were authorized to release sex offender information on the Internet. The Illinois State Police debuted its online registry.

The momentum toward greater — and uniform — containment of sex offenders in Illinois is clear. Of course, lawmakers will determine just how far the state will go. And, as Attorney General Lisa Madigan notes, a lot will depend on how much the state is willing to spend.

such concerns.

There are other issues to consider. As the proposal is now written, the Prisoner Review Board would be charged with hearing a sex offender's petition for parole once he completes the minimum sentence. Madigan says detailed standards established by the Sex Offender Management Board should alleviate concerns about discretion on the part of the review board. Those standards, established in collaboration with the review board, the state Department of Corrections and the state Supreme Court's Division of Probation Services, would be in place by July 2005.

"You are essentially going to have medical experts, psychologists and others who will be evaluating sex offenders in their treatment and whether or not they have successfully been rehabilitated," Madigan says. "So it's not just the Prisoner Review Board's whim determining whether or not we release a sex offender back into the community."

If released, a sex offender's period of supervision would be 10 or 20 years to life. And lifetime supervision for these criminals has become the containment method of choice in several other states. According to the Center for Sex Offender Management, a Maryland-based project sponsored by

the U.S. Department of Justice, 11 states had laws providing for lifetime supervision in late 2000 — the latest data available.

Not clear is whether all sex offenders would be subject to Madigan's proposed mandates. Though the bill is written to include all persons who currently must register as sex offenders, O'Brien, the sponsor, says the scope of the law wouldn't necessarily be that wide. "With statutory offenses where the sex is consensual, but because of age differences it's not legal because the person can't consent, I don't know if that's the type of person we want to attach this to," she says. "I think we need to start with pedophiles. We need to find out where our highest rate of recidivism is and have it attach to them."

Meanwhile, a companion proposal would strengthen the powers of the management board, an authority created by statute in 1998 to develop standards for the identification, treatment and monitoring of sex offenders. As of mid-April, that measure had passed the Illinois House and was pending in the Senate. It would require all sex offenders, as part of probation, conditional release or incarceration for a sex offense, to undergo treatment. Further, it would prohibit county probation departments, the state Department of Human Services or sex offenders from signing off on a contract with a treatment provider unless the provider is approved by the board.

That treatment would be governed by standards proposed by the board. A board-proposed administrative rule, which would set uniform standards for treatment of adult sex offenders statewide, is pending before the legislature's Joint Committee on Administrative Rules. The board also filed a rule that would govern the treatment of juvenile sex offenders, but pulled it to allow more time for members to observe Colorado's experience with a new rule on treating these young offenders. Illinois has 574 juvenile sex offenders; their identities are not posted on the state police Web site.

The Illinois rule on treating adults,

which could be effective as early as June, would require that sex offenders in treatment report to three-person teams consisting of a parole or probation officer, a treatment provider and a polygraph examiner. The framework is based on the Colorado program. Called the containment model, it's built around the theory that a sex offender's deviant behavior can be contained with proper treatment.

That model is already practiced in Illinois on a limited basis. In association with the board, nine counties — Coles, Cook, DuPage, Kane, Lake, Lee, Madison, Sangamon and Will — run pilot projects, according to Verlin Mainz, an assistant appellate defender and board member. He says DuPage and Lake, in particular, have sophisticated and effective programs that preceded the pilot projects.

Beyond the treatment provider and the parole or probation officer, the polygraph examiner is considered key to this program, though such examinations generally are not admissible in court. The examiner works in conjunction with the treatment provider to ensure the offender is telling the truth about his history, behavior and thoughts.

"Unless a person is able to admit to what they've done," says Doug Simpson, chief of criminal prosecutions at the attorney general's office and chair of the management board, "if they're always hiding these deep dark little secrets like a lot of these guys tend to hide, they're never going to be able to progress in treatment to a point where they're going to be able to reduce their risk."

The momentum toward greater — and uniform — containment of sex offenders in Illinois is clear. Of course, lawmakers will determine just how far the state will go. And, as Madigan notes, a lot will depend on how much the state is willing to spend. "There might be a way to do this incrementally that would allow us to provide greater protections," she says. "The Cadillac costs a lot more than the Chevy. But having a Chevy is better than having no car at all." □

Political prescription

Seniors have been hard hit by rising drug costs and that puts pressure on the states to help those who have no coverage

by Bethany K. Warner

After three years of debate, the Illinois General Assembly appears poised to approve a state-sponsored plan designed to curtail the cost of some prescription drugs.

Those costs have gone up steadily over the past decade. Among the hardest hit are seniors on fixed incomes, individuals 65 and older who rely on some of the newer and more expensive drugs to prolong their lives and keep them independent. This has put increasing pressure on officials in Illinois and other states to meet the needs of a growing, generally politically active, population, especially those middle-income seniors who aren't eligible for government help and can't afford private coverage.

The states have been left to fill this gap because the federal government doesn't yet include prescription coverage in Medicare, the health insurance program for middle-income seniors. Some states already have enacted such programs. And this spring Illinois lawmakers are again taking up proposals aimed at reducing the cost of drugs for Illinoisans who have no form of coverage.

It's a sizable constituency. Primarily through its Medicaid program, the state already pays for drug prescriptions for some 130,000 low-income seniors. Another 800,000 or so are covered through employer-sponsored plans, HMOs or other private programs. But almost 500,000 of Illinois' seniors must bear the cost themselves.

In fact, this uncovered population makes up approximately 31 percent of Illinois seniors, according to a 2002 Kaiser Family Foundation study. Rep. Jack Franks, a Woodstock Democrat, considers that statistic significant. "We want to make sure everyone is taken care of."

He and Sen. Debbie DeFrancesco Halvorson, a Crete Democrat, are



proposing similar state-sponsored drug discount cards for anyone who is 65 or older or is disabled. Both plans were approved by their respective chambers. Proponents advise seniors with drug coverage through private programs to keep that coverage, even if the discount plan becomes law. Low-income seniors, who can get assistance through the state's Circuit Breaker and SeniorCare programs, would automatically benefit after they hit the annual caps for coverage under those programs. They estimate that 1.2 million Illinoisans would be eligible. But Halvorson and Franks expect the card will primarily help those seniors who have no coverage at all.

Though he hasn't endorsed a plan, Gov. Rod Blagojevich has said he supports the concept of prescription drug discounts.

Under the current legislative proposals, there would be no income threshold for eligibility. The state would negotiate discounts with drug companies that choose to participate through its Department of Central Management Services. Seniors and disabled Illinoisans would pay a \$25 annual fee for the card, entitling them to discounts on those medications. The legislation would require participating pharmacies to give set

discounts on brand name and generic drugs, with deeper discounts coming after negotiations. Total discounts for prescriptions will vary by medication.

The idea is not without controversy. Franks and Halvorson maintain the program won't cost the state. But officials at Central Management Services dispute that. They say it will take \$27 million to initiate the discount. The sponsors counter that the card's annual fee will cover the program's administrative costs and would be sufficient to reimburse the state for start-up costs. While agency officials agree that the annual fees could cover ongoing administrative costs, they argue the \$27 million start-up costs could not be recovered.

Still, Halvorson maintains the proposal is revenue neutral and would ensure that Illinois' seniors won't have to decide whether to pay for prescription drugs, food or utilities.

Advocates for seniors are on board. "When you survey seniors [prescription drug coverage] is the most important thing that keeps them independent," says Donna Ginther, legislative representative of the Illinois chapter of AARP. "We know so much more about how to treat chronic illnesses."

Ginther says more medication is used preventively or as therapy for what used to be a debilitating condition. Arthritis, she says, could send seniors to nursing homes a decade ago, but with the advances in drug therapies, they are able to live independently longer.

But these so-called designer drugs carry high price tags. According to a study by FamiliesUSA, a health care consumer advocacy group, the top 50 drugs prescribed for seniors in 2002 had an average yearly cost of \$1,070. From 1990 to 2000, average drug prices rose by \$23.73

per prescription, according to the Kaiser Family Foundation. And national statistics show that seniors, though they comprise about 12 percent of the population, take almost 37 percent of all prescription drugs. Moreover, the number of prescriptions individuals take increased from an average of seven to around 10.

The state's Medicaid program, too, faces average increases in prescription costs that far outpaced that of other medical services.

The Pharmaceutical Research and Manufacturers of America, known as PhRMA, holds that price increases are a result of the cost of research and development of new innovative drugs. Other observers point to the use of direct marketing to consumers — including television ads — as a reason for rising drug prices.

The idea for state-sponsored discount cards is not new. Franks and Halvorson promoted this legislation in previous sessions, but former Senate GOP President James "Pate" Philip stopped it. That chamber is now Democrat-controlled. "After trying to do this for the last three years, I knew that there was opposition," says Halvorson. "But through all the common sense of it and the realization finally that this is something we need to do, it's finally coming to fruition."

Illinois and other states are forced to deal

with the rising cost of prescription drugs, says Cheryl Rivers, executive director of the National Legislative Association on Prescription Drug Prices, because the federal government has abdicated its role in providing drug coverage for seniors.

The Medicare system, though it covers hospital stays and surgery, has not been expanded to cover prescription drugs. But President George W. Bush's federal 2004 budget designates \$400 billion in the next decade to modernize Medicare, including drug coverage. In Bush's plan, seniors would have the option of a federal prescription discount card, but would be encouraged to enroll in low-cost managed care plans that provide drug coverage.

Illinois' discount plan, many say, is only a stop-gap measure until there is a federal solution. "We think the answer is coverage, not just discounts," says PhRMA's senior assistant general counsel Marjorie Powell. "But clearly, discounts are helpful for people who don't have coverage."

But PhRMA objects to the way other states have crafted their discount plans and is worried about Illinois' proposal. The group is concerned Medicaid patients will be lumped into Central Management Services' negotiating pool, meaning drug companies could be forced to give discount card users the lower Medicaid

discounted price. Maine tried including Medicaid patients in their discount program, and PhRMA is challenging that program before the U.S. Supreme Court, which must decide whether it violates federal Medicaid law.

But advocates of the discount cards are skeptical of PhRMA's objections. Rivers, of the National Legislative Association on Prescription Drug Prices, notes that when state programs have reaped significant discounts, the drug companies — represented by PhRMA — have taken those programs to court. According to Franks, though, his proposal has been amended to ensure Medicaid patients will not be used as an iron fist, as PhRMA fears.

As of April, 17 states had enacted some type of discount program providing price relief on medication for seniors. Iowa uses a discount card program run by a nonprofit organization. This spring, Ohio is launching a discount program available to all seniors carrying that state's Golden Buckeye Card, which already provides discounts for seniors at various retail locations.

Illinois' sponsors hope this state's plan could be initiated as soon as summer.

"The efforts that the states are making to get discounts outside of their [Medicaid] entitlements are worthy efforts," Rivers says. □

Medicaid providers seek relief

Terrie Weible has a line of credit. She also has a stack of bills she's waiting for the state to cover. So far, the line of credit has kept her Jerseyville Nursing and Rehab Center financially solvent — though Weible says that unless the state comes through, she will have to decide how many Medicaid patients she can serve. Other facilities haven't been that fortunate.

The fallout from the state's \$5.2 billion budget hole and slow revenues is that Medicaid providers are waiting for reimbursements for services rendered last fall. The state owes about \$1.5 billion in back payments to Medicaid vendors and lawmakers are advocating a borrowing plan to provide relief.

House Republicans and Democratic state Comptroller Dan Hynes are separately promoting a short-term borrowing solution to infuse the state's Medicaid system with \$500 million to \$750 million to speed up payments.

"We are not here to whine about the slow pay. We know the budget crisis we're in. We're not here to blame anybody," says Rep. Bill Black, a Danville Republican. "My fear is that if we don't get a handle on this, not only will the late payments create a short-term problem, but I think we're in the middle of creating a long-term problem."

The late payments have forced pharmacies and nursing homes

to close or stop accepting Medicaid patients. According to the Illinois Health Care Association, 27 Illinois nursing homes went bankrupt last year, an all-time record. Black and the association are concerned that if payments are delayed any longer, the nursing home system could collapse before the Baby Boomers need it. That group will begin turning 65 in 2011.

"With the severe under-funding in the Medicaid program and the delayed payments, we're trying to save the infrastructure that we have," says Pat Comstock, who is director of legislation and communications for the association.

Yet the governor, comptroller and treasurer all must approve short-term borrowing. Democratic Gov. Rod Blagojevich is considering the House GOP initiative, but Republican Treasurer Judy Baar Topinka worries about the state incurring more debt without a repayment plan. Illinois owes \$600 million of \$1 billion in short-term debt borrowed last year to stave off late payments.

"Some have already said you can't borrow your way out of a problem. We're already borrowing. When we're one day late on a payment, we're borrowing," says Rep. Don Moffitt, a Gilson Republican. "All we're deciding now is are we going to borrow traditionally or from vendors; and the state is borrowing from vendors and providers and that's got to stop." *Bethany K. Warner*

Got change?

The state's tollway authority
could undergo a dramatic makeover

by Dave McKinney
photograph by Jon Randolph

No state agency has managed to build a bigger reputation as a rogue than the Illinois State Toll Highway Authority. The agency that oversees 274 miles of pay-as-you-go suburban expressway is associated with criminal land deals, questionable double pensions for top brass and a headquarters so lavish Democrats dubbed it the "Taj Mahal." While ethical lapses have slowed, the tollway remains a powerful symbol of Republican excess.

But now, with Democrats in control of the governor's mansion and the General Assembly, the agency is poised to undergo a dramatic makeover. "Our first goal is to stop the bleeding, to put a political tourniquet on an authority that has misspent the motorists' money, that has put its own personal and political needs ahead of drivers, businesses and communities," says Billy Weinberg, a spokesman for Gov. Rod Blagojevich.

Legislative proposals encompass a range of concerns. At the extreme is one to abolish the tollway altogether, though that appears stalled. More likely changes include creating an inspector general at the agency, forcing the authority to get its budget approved by lawmakers and, as the



Calls for toll hikes have gotten louder over the past four years. The system's original signature tollways have never been rebuilt. And each year, engineers representing the bondholders establish an increasing amount the system must spend to maintain its roads.

governor noted in his April 9 budget speech, selling the Downers Grove headquarters.

What's surprising is that the authority seems eager to accept what the governor and the legislature might hand out. Jack Hartman, Blagojevich's handpicked executive director, readily embraces a new agenda. Already, Hartman, a former Chicago Transit Authority executive, has required top agency personnel to turn in their cars, a signal that more substantive changes are on the way.

"I was sent by Gov. Blagojevich to reform the tollway. To me, his mandate was from top to bottom," Hartman says. "We're going to run it like a business. It no longer will be a fiefdom for people."

There are critics, however, who don't

believe the tollway is in great need of fixing. Others wonder whether newly emboldened Democrats are looking to score quick political points while ignoring more fundamental questions about the tollway's long-term viability. "You show me any place the Democrats have ever reformed. I'd like to have an example. The city of Chicago? O'Hare Field? The CTA?" says Sen. James "Pate" Philip, a Wood

Dale Republican who is a former state Senate president and the brother of departing tollway Chairman Art Philip. "If they're reformers, I'm Mickey Mouse. I'll tell you that."

Reformers recount the agency's history. The system was created in 1953 on the premise that it would quit charging motorists once its debts were paid. But as the suburbs around Chicago grew, so too did the need to expand the system of toll roads. And construction of the East-West Tollway, the North-South Tollway and new lanes along the Tri-State Tollway, which left the authority nearly \$800 million in debt until 2017, insulated the system from previous efforts to fold the tollways into the Illinois Department of

Transportation and make them free.

In fact, calls for toll hikes have gotten louder over the past four years. The system's original signature tollways have never been rebuilt. And each year, engineers representing the bondholders establish an increasing amount the authority must spend to maintain its roads, which stretch over 12 counties from the Wisconsin border on the north, to Interstate 80 on the south, to Rock Falls on the west and the Indiana border on the east. Though there are skeptics, the agency has raised the possibility it might not have enough money to meet the minimum funding threshold established by bondholder representatives. Should that happen — it never has — the tollway theoretically could be in technical default on its bonds, which would throw the system into financial chaos.

But with the tollway, finances and politics aren't divisible. Since Dawn Clark Netsch made the system an issue in her losing 1994 gubernatorial bid against former Gov. Jim Edgar, Democrats have capitalized on the agency's bad-boy reputation, only to see reform proposals die in the Republican-controlled Senate.

This despite a series of ethical lapses at the tollway, none larger than the 1997 convictions of former tollway executive director Robert Hickman and former state Rep. Joseph Kotlarz, a Chicago Democrat. They stole \$190,000 from the agency in phony real estate commissions tied to a 1992 land deal, a crime for which each spent six months in jail. Hickman resigned in 1994 for using the agency's helicopter as a personal taxi to visit his girlfriend and for steering contracts to a company that employed his son.

Those misdeeds were not the only sources of negative publicity for the agency. The authority was criticized for using tolls to subsidize cafeteria meals for its workers, hosting \$30,000 Christmas parties and giving agency executives six-figure retirement payouts on top of what they would have gotten from the state. The authority also caught flak for spending more than \$25 million on its Downers Grove headquarters, which was outfitted with \$1,700 leather chairs for board members, a helicopter

pad and an upscale atrium.

It's against this backdrop that Democrats are proposing changes this spring. Sen. Jeffrey Schoenberg, an Evanston Democrat who has made tollway reform one of the cornerstones of his political career, is leading the legislative effort. "Jack Hartman and his management team have come to understand that cosmetic gestures alone will not satisfy anyone, certainly not the governor or the thousands of Illinois taxpayers who feel their money has been squandered by questionable spending practices and an overall lack of accountability," he says.

Schoenberg is sponsoring legislation to create an inspector general to root out corruption, force the agency to get its budgets and borrowing plans approved by lawmakers, temporarily freeze tolls and bar the agency from unilaterally raising them. His legislation also would require the authority to generate a long-range financial plan and prohibit tollway directors and their families from getting agency contracts. Weinberg says the governor embraces most of the concepts contained in Schoenberg's legislation.

Separate legislation introduced on Blagojevich's behalf by Rep. Jay Hoffman, a Democrat from Collinsville, also could significantly alter the authority. The governor's proposed consolidation and elimination of state boards and commissions would reduce the 11-member tollway board by two. It would strip board members of their annual salaries and end the terms of all existing members June 30, giving Blagojevich a free hand to reshape the tollway board as he sees fit.

In what could be the most dramatic move, Blagojevich wants to sell the agency's headquarters — perhaps raising \$30 million toward the state's \$5 billion budget gap — and shift its operations to a transportation department office in Schaumburg. "The tollway building has been described as the Taj Mahal of Illinois," the governor said in his budget address. "The Taj Mahal is known as one of the eight wonders of the world. The tollway building is a wonder of waste, excess and arrogance. Today, I'm going to give it a new label: For Sale."

Blagojevich has spoken in general

terms about tolls, though he worked feverishly to kill efforts last November to raise rates to 75 cents from 40 cents. Art Philip, a blustery advocate for toll hikes, justified an increase by arguing tollway repairs are projected to outpace revenues by 2004. At Philip's urging, the board backed a toll increase last spring but retreated under pressure from former Gov. George Ryan and lawmakers.

To longtime advocates of the agency, dealing with the tollway's mounting financial pressures outstrip in importance most reforms in the Democratic playbook. Before any legislative remedies are enacted, some believe, more basic questions have to be asked.

"The governor and legislature need to come up with answers to three questions," says Julian D'Esposito, a former tollway board chairman under Gov. Edgar. "The first is, do you want to finance roads with tolls or do you want to do it with taxes or some combination? Two, how do you want it to be governed? And three, do you want the toll system to be responsible for extending the major highway projects in northern Illinois or do you want it to be financed with taxes or some combination of taxes? Unless there's a political answer to those questions, the institutional paralysis that exists will continue."

Of Schoenberg's plan, D'Esposito says, "That's not going to make any difference at all. To the extent you restore confidence, does it make it easier to deal with the political questions? Perhaps. But it avoids dealing with the fundamental questions."

Such soul searching may be asking a lot in a current climate where the focus of the governor and the legislature rightly is on finding a way out of a state budget deficit. To whatever extent tollway measures make it to the governor's desk this spring, one thing remains. Rare and significant in Illinois, a governor, both chambers of the legislature and the Illinois State Toll Highway Authority seem in agreement that changes need to come — if not now, then soon — to an agency whose identity has been defined by scandal.

"The Berlin Wall," Schoenberg says, "has come down." □

Dave McKinney is Statehouse bureau chief for the Chicago Sun-Times.

Cons and cults

Should politicians or scientists
guide the debate over stem-cell research?

by Maureen Foertsch McKinney

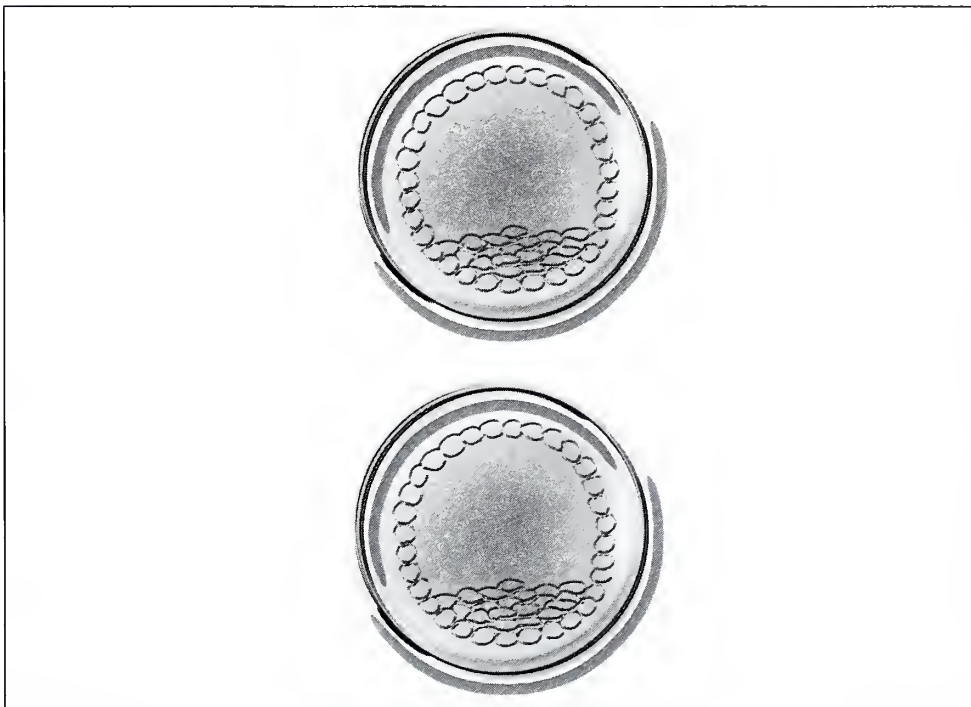
Bioethicist Arthur Caplan likens legislating stem-cell research to setting foreign policy according to the script of a Steven Segall movie.

His theory is that most of what lawmakers know about cloning comes right out of pop culture, be it the *Jurassic Park* movies or the headlines generated by the outlandish claims of a cult-run company.

Like most of us, Caplan, who is director of the Penn Center for Bioethics at the University of Pennsylvania School of Medicine in Philadelphia, wants to see human cloning outlawed.

But that's where he draws the line. He says it's dangerous to legislate the unknown. Even the best-briefed lawmakers know little about stem-cell research. For that matter, scientists don't know much yet.

But what little scientists have learned has led many to believe that embryonic stem cells could be used to produce cures for paralyzing spinal injuries, diabetes, cancer, heart disease, Alzheimer's, Parkinson's and a plethora of other medical nightmares. So Caplan sees moral imperative for such research.



"You don't want to block research to get someone out of their wheelchair or to prevent them from dying from Parkinson's because of a flawed scientific argument made by con men, crazy people and cult figures."

Blocking research that could save lives is the risk inherent in efforts to legislate — rather than simply regulate — stem-cell research.

Nevertheless, the U.S. House recently approved a measure that would outlaw not only reproductive cloning but cloning for medical research. The U.S. Senate hasn't been so quick to jump on board. Here in Illinois, the House approved a measure to make stem-cell research legal. Several other states are considering this as well.

Congress — or the Statehouse for that matter — simply isn't an appropriate venue for the debate over stem-cell research. The law lumbers along at a slow pace and doesn't respond well to change. But science is like quicksilver, ever-changing.

Generally, lawmakers don't get involved with the fate of medical research, anyway. Mainly, expert-staffed regulatory agencies, such as the National Institutes of Health or the Food and Drug Administration, choose which studies get funded.

Congressional interest is unusual. Congress, notes Andrea Bonnicksen in *Crafting a Cloning Policy: From Dolly to Stem Cells*, has never seriously tried to ban technology aimed at assisting reproduction. "Especially not a pre-emptive ban on biomedical research still considered hypothetical for humans," writes Bonnicksen, who is a political science professor at Northern Illinois University in DeKalb. "Nor has Congress been much interested in limiting scientific study," she contends, "because lawmakers have been wary of casting too wide a restrictive net."

The spiral toward legislating medical research began back in 1997 with the birth of a sheep named Dolly. When Scottish researcher Ian Wilmut announced that his team had

cloned a mammal, cloning people no longer seemed out of the realm of possibility. Congress has been trying to outlaw human cloning ever since.

Most Americans find the notion of human cloning unethical if not repugnant. So enacting a ban should have been simple. But a year after Dolly's birth, a University of Wisconsin scientist isolated the embryonic stem cell, and potential medical benefits to cloning technology emerged.

This advance also drew the politics of abortion into the mix. Some see embryonic cells as having the potential to become life. But Caplan says the point is moot because an embryo can't be viable until it has been implanted in the womb.

Further, he says, mainstream scientists are skeptical that humans could be cloned. "I would argue that an adult human being has a greater moral claim than an embryo in a dish. Many people believe cloning is possible. I don't. Animal cloning has not been successful enough. Until that happens, human cloning is impossible. No one has made it work."

Yet congressional action aimed at banning stem-cell research that would peg the beginning of life to the nascent embryonic stage would be warmly welcomed by some who wish to overturn *Roe v. Wade*, the U.S. Supreme Court's 1973 decision that legalized abortion.

In August 2001, President George W. Bush weighed in with his announcement that the federal government would consider funding only embryonic stem-cell research conducted with cell lines derived from those previously donated at in vitro fertilization clinics.

But the issue is complex and lives are at stake — no matter the perspective on life's beginnings. These questions should be weighed by ethicists, scientists and doctors — not debated in the political arena where decisions are usually based on the art of the deal. There are no easy answers, which is why, as Caplan maintains, decisions about medical science, or specifically

the morality of various types of embryonic stem-cell research, should be made on a case-by-case basis.

In the meantime, several states have banned cloning on their own, Dolly has died and Congress continues to struggle with the issue.

As Caplan notes, the inability of Congress to settle on whether to ban cloning or stem-cell research means the thin regulatory shell currently in place will have to suffice.

"A federal ban does nothing responsive. It simply takes it off the table," says Caplan, who has testified before House and Senate committees on ethical issues surrounding cloning and stem-cell research.

One response to the situation Bonnicksen suggests is to fine-tune existing mechanisms for oversight of medical research and to strengthen existing regulatory entities that have a say over reproductive technologies, such as the Food and Drug Administration. "It makes sense to look at broadly defined policy rather than narrowly defined law."

She endorses beefed up regulation on cloning — with advice of the medical community — rather than legislated restrictions because "the creation of policy based on observation rather than speculation can avoid errors that arise when policy-makers from one decade presume that they can anticipate the state of science in the next."

Meanwhile, private research goes on. Stanford University School of Medicine in California recently announced it had received an anonymous \$12 million grant to fund a cancer/stem-cell research center.

Further, Caplan notes, as other nations — including China, Singapore, India and Great Britain — move ahead with such research, the United States is losing its ability to set standards worldwide.

As Bonnicksen writes, "The United States can lead by example and procedure most effectively if it is a player." □

SOUTHERN ILLINOIS

*This region is a place of great beauty, turbulent history
and proud culture. And severe economic needs*

HIGHWAY NOISE

by Joseph Andrew Carrier

High up in the oak and hickory covered hills of the Shawnee National Forest, it's still possible to get away from the sounds of traffic.

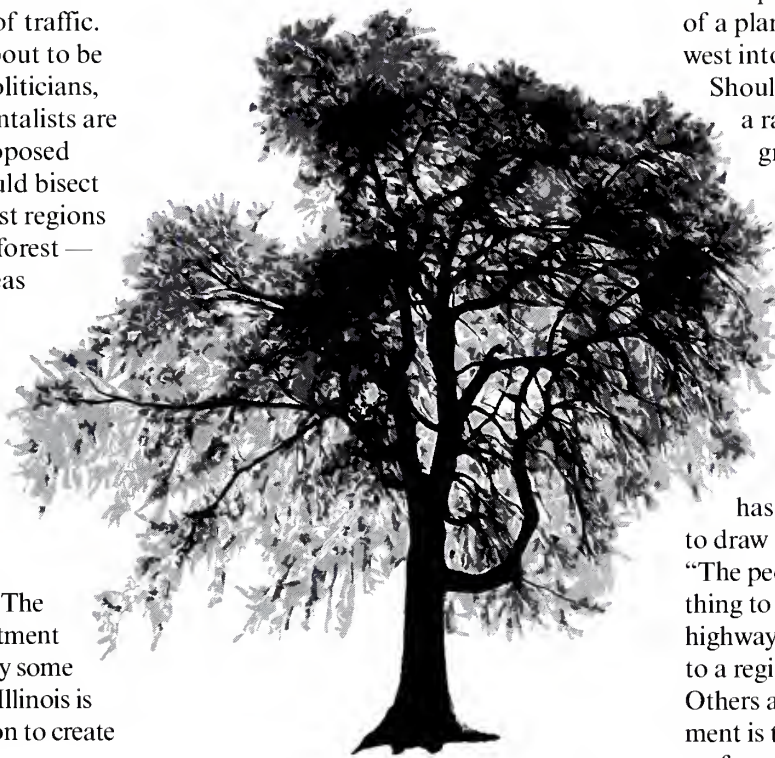
But that tranquility is about to be threatened. This spring, politicians, developers and environmentalists are renewing debate over a proposed interstate highway that could bisect one of the country's poorest regions and run right through the forest — one of the last roadless areas east of the Mississippi.

Business and political representatives are pushing hard for the project. They argue that disturbing the state's most pristine wilderness would be a worthy trade-off for much-needed expansion in economically depressed southern Illinois. The road promises to spur investment and create jobs, which is why some officials want to make sure Illinois is included in federal legislation to create the interstate corridor.

That legislation, drafted in 1991, originally called for the highway to enter Illinois at Paducah, Ky., cut across the state and exit at Cape Girardeau, Mo. Though officials in Kentucky and Missouri have actively pursued that concept for the last dozen years, key Illinois policy-makers have been cool to the idea. Their planners had considered a less direct route for the new interstate that would

dip farther south into Kentucky and bypass Illinois entirely.

But former U.S. Rep. David Phelps, a southern Illinoisan and longtime supporter of Illinois' participation in the project, is now in a position to influence the state's stance. In fact,



Phelps, the new assistant secretary of the Illinois Department of Transportation, has orchestrated a major shift in this state's position.

He's written regional planners to announce Illinois' interest in the project and hopes to convene a summit of design teams from Illinois, Kentucky and Missouri in the next months, which would belatedly bring Illinois back into the planning stages

for the new road. Timing, he says, is crucial to getting Illinois written into new federal legislation.

"This project was not a priority for prior administrations, but this administration is prepared to get this thing off the ground."

Phelps wants to end consideration of a plan that would route the highway west into Missouri at Wickliffe, Ky.

Should that happen, he contends, a rare opportunity for economic growth in the region would be thwarted.

Alexander, Pulaski and Union counties have been designated federal empowerment zones, which means tax breaks and other incentives for investment in the region.

But John Mehner, president of the Cape Girardeau Chamber of Commerce, says there also

has to be some practical incentive to draw businesses into the region. "The people of this area need something to hang some hope on. This highway would be the perfect gateway to a region that has a lot to offer." Others argue the cost to the environment is too high. Mark Donham, co-founder of the Regional Association of Concerned Environmentalists, is unequivocal: "This project would be a disaster for southern Illinois." He says no matter what route the highway takes as it meanders across the state, it will invade sensitive and irreplaceable ecosystems.

The strongest opposition could center on the Shawnee National Forest. Initial plans had the development intersecting the Ripple Hollow

Roadless Area, a region within the federal lands that was being used as a control in a study on the effect of forest fragmentation. "This project would only result in the destruction of thousands of acres of forest land," Donham says.

But there's more at stake. Abandoned mines in the area are home to a species of bats protected under the federal Endangered Species Act. The area's wetlands, an important staging area for migratory waterfowl, could be affected by noise pollution, and highway construction could exacerbate an already chronic sedimentation problem in the Cache River drainage.

Norris City Democratic state Rep. Brandon Phelps, David Phelps' nephew, is an avid outdoorsman and is pushing for a compromise between competing interests. "If we miss this chance, it is hard to imagine when another like it will come along. I understand the concerns of the environmentalists, but there has to be some give and take. This region is in deep trouble economically, and you can't underestimate the positive impact that something like this could have on the area." □

CAIRO RISING

by Peg Kowalczyk

Once Cairo was a bustling river city encompassing Ulysses S. Grant's civil war headquarters, 19th century mansions and a population of 15,000. But decades later, a race war erupted and Cairo is still struggling to recover from the economic fallout.

The racial conflict was ignited in 1967 when a black soldier was found hanged in the Cairo police station. Rioting shuttered shops in the short-term. Then black organizations launched an economic boycott that never officially ended. And, in defiance of federal law, employers refused to hire blacks.

Now, long after the civil rights activists and white supremacists took their buses home, a blighted local

economy is a reminder of those troubled times. Today, Cairo's downtown is deserted. St. Mary's Hospital and J.C. Penney are long closed. Former mom-and-pop shops along Washington Avenue and Commercial Street stand empty. The population, which is now 62 percent black, has dropped 61 percent since 1960 — from 9,348 people to 3,632 in 2000. More than half the residents over the age of 16 are not working, and 40 percent of families live below the official poverty level.

Jobs have become even scarcer in recent times. Bunge North America, a soybean processing center and the largest contributor to the city tax base, temporarily idled production in April. Burkhart Foam Inc., once Cairo's largest industry, closed 18 months ago. The Cairo school district overspent by more than \$550,000 in 2002 and projects a \$1 million deficit by the end of this school year. Cairo High School — 214 students, 28 of them white — is on the state's academic early warning list.

But the community hasn't given up. Officials are working on economic development efforts that may heal some old racial wounds through investment in Cairo — and in its people. The Southernmost Illinois Delta Empowerment Zone is providing opportunities for growth and revitalization in high-poverty communities in the region, says executive director Donna Raynalds.

But there's more work to do.

"We need to form political coalitions across racial, ethnic and class lines and commit to required human and infrastructure investments in our cities where poverty exists," says Lynn Curtis, president and CEO of the Washington, D.C.-based Milton S. Eisenhower Foundation, which evaluates solutions for inner city problems.

The types of programs that work to boost impoverished cities such as Cairo include early childhood development, programs for at-risk children, public school reform, jobs for the poor, job training and retention, affirmative action, proven desegregation efforts, investments

in housing and a livable minimum wage, Curtis says.

That's exactly what is being done in Alexander County, according to Donna Raynalds. "Creating economic opportunities for residents provides a foundation on which residents will become economically self-sufficient and communities can revitalize themselves," she says. As of February, \$5.3 million in empowerment zone grants were leveraged into \$42.4 million for economic and community development through federal, state, regional, local and private funding sources.

Empowerment zone grants have upgraded 76 miles of roads, extended water lines in rural areas and helped open a new computer lab in Cairo's Regional Office of Education building. Also, zone leaders laid the legal and political groundwork to designate Cairo a port of entry and duty-free trade zone. And they secured low-interest business loans and provided grants to construct single-family low-income housing units.

This year, plans for the empowerment zone call for constructing a new business incubator and tearing down derelict properties for redevelopment. The group is planning a regional economic analysis and will market to targeted industries.

Raynalds says she sees new economic possibilities for the Burkhart Foam facility. "The upside is that the factory has a 20-acre site, rail service and large buildings that are marketable. It provides an existing site to market for new enterprise."

She's banking on a retail renaissance and tourism dollars to inject new economic life in Cairo. "There is a wealth of historic homes in Cairo and property values are low."

And Raynalds is betting her own money on the city's future. When others moved out of Cairo, Raynalds moved in. "Cairo offers a significant Civil War and civil rights history," she says. A city steeped in history — even a turbulent history — could pay dividends in tourism dollars.

"But we can't turn things around overnight. It takes time for long-term systemic change." □

P.S. *Stitching freedom*

by Peg Kowalczyk

The elderly woman's words were cryptic: "Quilts draped on windowsills were hidden in plain view." Gradually she explained that ordinary quilts carried messages vital to runaway slaves seeking freedom along the Underground Railroad.

Surviving in obscurity, the story of hidden quilt codes was passed orally from generation to generation for more than 150 years in the African-American family of Ozella McDaniel Williams. The account almost died with the storyteller. But Williams shared her tale with a stranger: quilt collector and writer Jacqueline Tobin.

Tobin enlisted the help of African-American historian Raymond Dobard in unravelling the mystery and deciphering the story's gaps after Williams died in 1998. Their book, *Hidden in Plain View: The Secret Story of the Quilts and the Underground Railroad*, unleashed excitement among quilters — and controversy among some historians who questioned the story's significance.

Plantation quilts sewn under the scrutiny of white mistresses and covert communication among slaves is now woven into the personal histories of southern Illinoisans Rose Rhetta of Alton and Corene McDaniel of Carbondale. The two have never met, but fabric connects their cultural past.

Rhetta is president of The Busy Fingers Sewing Club of Alton, an African-American social and philanthropic group, which has gathered each week since 1948. The average age of club members hovers around 75, and, collectively, they have more than 400 years of sewing

experience. Monthly dues are \$3, up from 10 cents at their first meeting. Otherwise, the club hasn't changed much.

But news of hidden quilt codes inspired the seamstresses to honor their enslaved ancestors. The group created an Underground Railroad quilt sampler, says Rhetta, "to remind our descendants and the community of the struggle that slaves went through."

Then they took their interest a step further.

The 85-year-old Rhetta invited scholar-author Dobard of Howard University to speak to the southern Illinois community — a small academic coup for the city of

of an African-American culture," says Dobard.

In Carbondale, magazine headlines of Underground Railroad quilts and the story of Ozella Williams caught Corene McDaniel's attention. McDaniel, president of the African-American Museum of Southern Illinois, invited Serena Williams, Ozella's niece, to bring her quilt replicas to the small Carbondale museum.

The 20-quilt exhibit told the story in bold, geometric patterns. When displayed on the fence, the Monkey Wrench quilt signaled slaves to begin their escape — to collect the tools they would need on their journey. The Flying Geese pattern represented

flight, the direction slaves should travel and the best season for escape. The Drunkards Path pattern warned slaves to move in a zigzag pattern, like a weaving drunk, to elude slave catchers. Other geometric patterns had such simple names as Shoofly, Bear's Paw, Crossroads and Double Wedding Ring, but their messages, sewn into the quilts, meant the difference between life and death for slaves seeking freedom. When she worked as a bookkeeper at a senior citizen center

in Carbondale, McDaniel would take breaks, quietly slipping away from her ledgers to the quilting circle to learn the craft. They made "Britches" quilts out of heavy fabric, says McDaniel. Because it was difficult to get the needle through the heavy material, it would be tacked, or tied off. Now, McDaniel connects the Britches technique to the hidden codes of the 19th century. "During slave times, when a quilt was tacked it told black fugitives that it was time to move," she says.

And so, even within the fabric and finishing knots of the 21st century, the oral tradition of African-American quilts is passed on. □



Godfrey. As part of the Lewis and Clark Community College's oral history project, Dobard traveled from Washington, D.C., this spring to present his research and share in the unveiling of the sewing club's sampler.

African-American quilting can be traced to textile traditions in Africa, where designs created a visual language, Dobard told his audience. This, he believes, is the basis of Ozella's secret codes. Stories are woven through the fabric of the African-American community, "a history from Africa to America, from bondage to freedom, from survival to triumph, and the creation

Shifts at the Top

Birth announcement

Gov. Rod Blagojevich and his wife Patti welcomed their second child, a daughter Anne, on April 5. They call her Annie.

The 8-pound, 5-ounce baby girl was 10 days overdue by the time she was born at Northwestern Memorial Hospital in Chicago.

The Blagojevichs also have a 6-year-old daughter named Amy.

Tribune writer wins a Pulitzer

Chicago Tribune editorial writer **Cornelia Grumman** won a Pulitzer Prize for excellence in editorial writing for her "powerful, freshly challenging" editorials on the death penalty.

The prestigious awards are voted on by a board composed of prominent journalists and academics.

Grumman receives \$7,500 along with the award, which was judged on "clearness of style, moral purpose, sound reasoning and power to influence public opinion in what the writer conceives to be the right direction."

Dr. **Eric Whitaker** is the new head of the Illinois Department of Public Health. An attending physician at Cook County Hospital and founder of a clinic serving African-American men on Chicago's South Side, he is the second African American to lead the 1,200-member department.

In 1999, Whitaker helped found Project Brotherhood: A Black Man's Clinic, which is housed in the Woodlawn Adult Health Center in Chicago and funded by the Cook County Bureau of Health Services.

The service reaches out to African-American men, who, studies have shown, die earlier from preventable diseases. The once-a-week clinic offers a holistic approach to medicine that addresses patients' mental and spiritual needs as well as their physical problems and uses innovative enticements such as free haircuts to draw men in to see a doctor.

Departure



Jess McDonald, who has directed the Illinois Department of Children and Family Services for the last nine years, resigned, effective April 30. Gov. Rod Blagojevich said he would name a new leadership team for the agency after a task force he commissioned released its findings, which is expected midmonth.

The governor appointed the task force, which includes his wife Patti, to review the agency after newspapers reported it had lost track of more than 200 Illinois children in its care. The task force also was asked to look into reports of violence at Maryville

Academy, the state's largest institution for troubled youths.

In 1997, McDonald was named recipient of the Motorola Excellence in Public Service Award, which is co-sponsored by *Illinois Issues*.

At that time he told the magazine his advice for a successor: "Find your solutions in the community. Build strong partnerships and maintain them. Make quality and accountability your top internal agenda. And always be looking over your shoulder at the system. Never turn your back on the system."

Illinois soldiers die in Iraq War

Among soldiers the U.S. Department of Defense announced were killed:

Army Staff Sgt. **Lincoln Hollinsaid**, 27, of Malden, killed April 7 in a grenade attack. He was with B Company, 11th Engineer Battalion, Fort Stewart, Ga.

1st Sgt. **Edward Smith**, 38, of Chicago, who died April 5 in Doha, Qatar. Smith, who was wounded in fighting in Central Iraq on April 4, was assigned to the 2nd Battalion, 5th Marine Regiment, 1st Marine Division, based at Camp Pendleton, Calif.

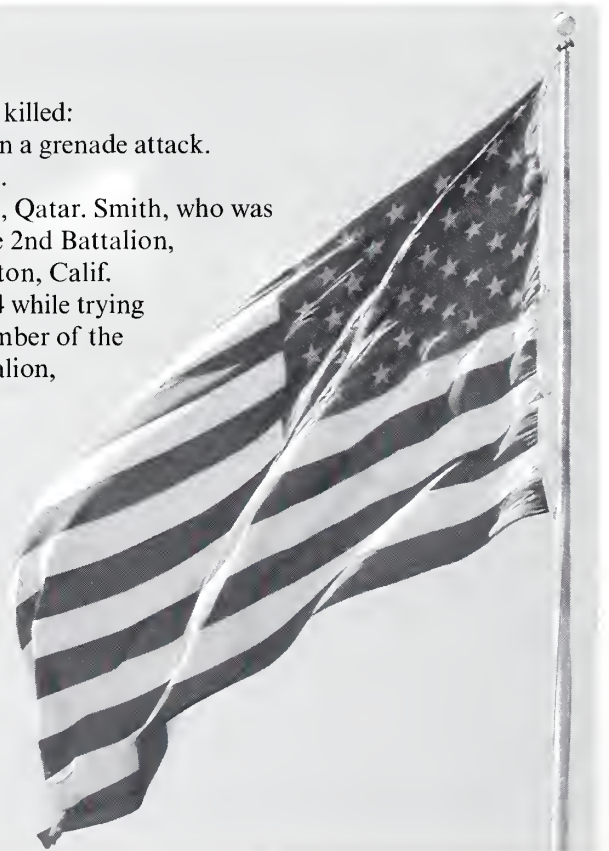
Marine Cpl. **Evan James**, 20, of LaHarpe, who drowned March 24 while trying to swim across the Saddam Canal in southern Iraq. James was a member of the Marine Corps Engineering Company C, 6th Engineer Support Battalion, 4th Force Service Support Group, based in Peoria.

Army Spc. **Brandon Rowe**, 20, of Roscoe, killed by enemy artillery in Ayyub on March 31. He was based at Fort Campbell, Ky., and was a member of the C Company, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division.

Marine Pvt. **Jonathan Gifford**, 30, of Decatur, killed in action during operations on the outskirts of An Nasiriyah, Iraq, on March 23. He was assigned to 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, based in Camp Lejeune, N.C.

Marine Capt. **Ryan Beaupre**, 30, of St. Anne, killed March 21 in a helicopter crash in Kuwait. He was with the Camp Pendleton Calif. -based 3rd Marine Aircraft Wing.

SOURCE: U.S. Department of Defense



A PPOINTMENTS

James Kaplan, an attorney from Lincolnshire, was appointed chairman of the Illinois Board of Higher Education. He succeeds **Steven Lesnik**, who held the post for the past year.

Kaplan, who has been on the board since 1999 and is now serving a term that will expire in January 2007, is a managing partner of Kaplan & Sorosky in Chicago.

He is past chairman of the Illinois State Advisory Council on the Education of Children With Disabilities and was a member of the Illinois State Board of Education reorganization project team in 1995 and the monitoring/compliance project team in 1996.

Larry Trent, a former Illinois State Police investigator and manager, has been named director of that agency. After 22 years with the State Police, the Brighton resident became vice president for Argosy Gaming Co. Most recently he was president of the Growth Association of Southwestern Illinois, a regional chamber of commerce that represents more than 650 businesses.

William Burke, former marketing director for Teng & Associates, a Chicago architectural engineering firm, has been appointed director of the Illinois Emergency Management Agency. Prior to that he was regional administrator for the U.S. General Services Administration directing logistics in a six-state area with more than 1,000 employees.

He replaces **Michael Chamness**, who was named chair of the Illinois Terrorism Task Force.

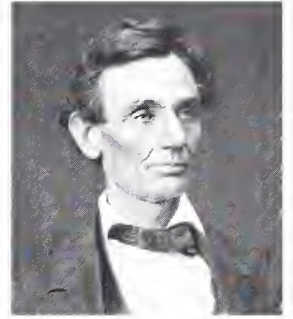
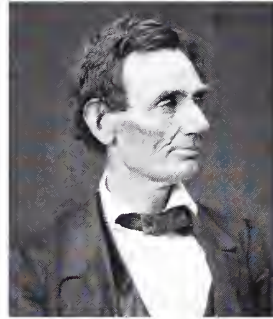
Rocco Claps, the deputy Cook County assessor, has been named director of the Department of Human Rights. He previously worked as director of scheduling for former U.S. Department of Health and Human Services Secretary Donna Shalala and as a staffer for Illinois House Speaker Michael Madigan. Also, in 1996, he was chief of staff for the Democratic National Convention in Chicago.

J. Anthony Clark, a Chicago attorney, was named director of the Illinois Department of Insurance. Clark previously served a decade as counsel for Montgomery Ward Life Insurance.

Leticia Peralta-Davis, president of a financial advisory firm, was named chief executive officer of the Metropolitan Pier and Exposition Authority. Peralta-Davis, a Chicagoan, also chairs the Chicago Housing Authority board's finance committee.

State Historical Society offers rare Lincoln prints

Archive-quality prints of two of the best-known photographs of Abraham Lincoln are now available to the public through the Illinois State Historical Society. Chicago photographer Alexander Hesler took the formal portraits on June 3, 1860. Because of the size of the negatives (8 x 10 inches), they are among the most eloquent and revealing photographs of our greatest president. The original negatives are in the Smithsonian but are in shards. According to Christie's auction house in New



York, the Society's plates are apparently the sole surviving set.

Matted prints of these portraits are \$150 apiece, plus tax (if applicable) and \$35 shipping and handling. They are also available in handcrafted walnut frames for \$250 each, plus tax and \$45 shipping and


handling. Please place your orders with the Illinois State Historical Society, 210-1/2 S. 6th St., Suite 200, Springfield, IL 62701. Checks, money orders, and Visa or Mastercard credit cards may be used. Call 217-525-2781 for more information. Please allow four weeks for delivery.

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Quotable

“ I think they’ll be surprised. But would they turn the clock back 31 years and not have Art Berman serve at all? I don’t think so. ”

Former state Sen. Arthur Berman, quoted by Chicago Sun-Times reporter Tim Novak in an April 6 story citing Berman's pension as tops for all lawmakers. That pension is based on his salary with the Chicago Board of Education combined with his legislative pension.

T RANSITIONS

Brian McFadden of Springfield is the new chief of staff for Illinois Senate Republicans. McFadden had been chief of staff for former Springfield Mayor Karen Hasara. He replaces **Carter Hendren**, who retired. McFadden was a Senate Republican staffer for eight years prior to his eight-year stint on Hasara's staff.

Ira Rogal, a Chicago-area lawyer and lobbyist, stepped down from the Illinois Gaming Board, which oversees the state's riverboat casino industry.

Linda Renee Baker, former director of the Illinois Department of Human Services, has taken a job with Southern Illinois University's Public Policy Institute in Carbondale. She will spearhead the institute's efforts to expand access to high quality health care in partnership with the SIU School of Medicine. She also will focus on helping minorities and people with disabilities make the transition from high school to college and the workplace.

Sen. **Larry Woolard**, a Carterville Democrat, has announced he will leave the legislature at the end of spring session to take an administrative post with the Illinois Department of Commerce and Economic Opportunity.

Ex-Ryan aide dismissed

Gov. Rod Blagojevich removed **Diane Ford**, chief legal counsel to former Gov. George Ryan, from a position on the Industrial Commission, arguing she played a role in locking Ryan loyalists into high-paying state positions.

Blagojevich used his authority to dismiss Ford from the \$101,790 post, which was a gubernatorial appointment.

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- Have accomplished long-term or lasting benefits for the efficiency, effectiveness and economy of governmental operations.
- Demonstrated a commitment to policies and programs that foster effective human and organizational relationships, including equality of opportunity.
- Be a role model to motivate and inspire others.

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1997	Jess McDonald, Director, Ill. Dept. of Children & Family Services

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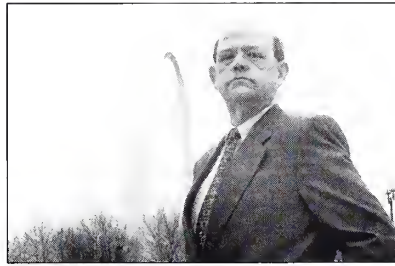
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Patrick E. Gauen



Madison County has redefined the action in class action litigation

by Patrick E. Gauen

It was dirty work beneath the farms of Madison County in the early 20th century, when miners in sooty dungarees dug and dug until they had removed every lump of coal they could. Surely billions of pounds.

Now lawyers in crisp pinstripes are doing the mining, of dollars, and they're nowhere near done digging in what some critics call a dirtier business still. Already a leader in class action litigation, Madison County has redefined the "action" part: in just one case, almost \$12 billion. The judgment March 21 — the equivalent of about 40 bucks for every American — was worthy of a day's national headlines. It stayed in the news because it milked what 46 states regard as a very sacred cow. And they're afraid it may get milked dry.

Damage suits against cigarette makers usually fail, as juries tell dying smokers to blame themselves. But in 1998, Big Tobacco agreed to pay Illinois and 45 other states \$206 billion through 2025 as reimbursement of public medical care for ruined lungs. Bad times have made those states especially dependent upon the installments from Philip Morris USA and four smaller companies.

Two years ago, a band of lawyers led by Stephen Tillery won certification for a class action suit accusing Philip Morris of consumer fraud by misleading smokers to think the Marlboro Lights and Cambridge Lights brands were safer. Philip Morris fought it.

Class action suits, in which groups of

people seek redress for a common wrong, are controversial for delivering huge sums to the lawyers and paltry pennies to individuals. Although Madison County is known coast-to-coast as a mill for such cases, out-of-court settlements have been the rule; Philip Morris was the first to make it to trial.

Some folks, particularly Republicans, complain that the Democrat-dominated county's lawyers and judges are too cozy. Other observers point to the robust plaintiffs' bar that nested there and suggest that litigation is just another regional industry, like steel making or oil refining.

Despite the county's reputation for blue-collar juries sympathetic to the aggrieved, Tillery's strategy trusted the Philip Morris decision to a single circuit judge. That was Nicholas Byron, about retirement age, a onetime state's attorney who specializes in hearing major civil cases and bristles at the verbal potshots occasionally fired toward the circuit's bench.

Tillery argued for \$21 billion to reimburse East Alton police dispatcher Sharon Price, Pin Oak Township road commissioner Mike Fruth and an estimated 1.1 million other fraud victims in Illinois. Byron gave them \$10.1 billion, plus almost \$1.8 billion in fees to a small army of lawyers who said they had invested 135,500 hours of work. The fees alone would have been the largest verdict from an Illinois court.

The enormity of the amount seemed certain to trigger an appeal, but it also

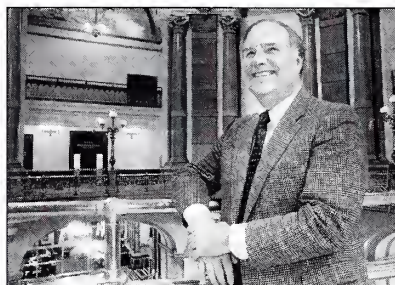
stood in the way of one. Illinois law requires the loser to protect the winner by posting a bond equal to the judgment. Philip Morris said putting up almost \$12 billion would jeopardize its ability to pay the states, and possibly provoke bankruptcy. After negotiations, and under pressure from 33 states, Judge Byron told the company to post \$6 billion in an escrow account instead, and to bolster it with yearly payments until the case is finally settled. Largely lost in the commotion over the imperiled national tobacco settlement is a lingering question of exactly how potential class members can prove eligibility for what Tillery said could be up to \$50,000 each.

Who keeps receipts for cigarettes? Fruth, who won \$17,800, said he still smokes. Price, awarded \$11,400, admits she continues to puff on the offending Cambridge Lights.

Meanwhile, Byron didn't let the notoriety slow his work. Just one week after he announced the landmark verdict, a jury in his court handed a \$250 million judgment to an ailing retired U.S. Steel worker. Both sides escaped the uncertainties of appeal by settling days later for something under \$50 million. Even at that, it set a local record for a worker's asbestos injury case in a county where courts hear lots of them. But \$50 million just doesn't seem like a lot of money anymore. □

Patrick E. Gauen writes an Illinois column for the St. Louis Post-Dispatch.

Charles N. Wheeler III



The governor's budget blueprint begs for willing suspension of disbelief

by Charles N. Wheeler III

The story line is classic *Looney Tunes*: The character painting the floor works himself into a corner and appears trapped. He scratches his head, a light bulb comes on, and he quickly outlines a door on the wall. Turning the knob, the clever hero opens the door and escapes.

In the state budget he proposed for the fiscal year starting July 1, Gov. Rod Blagojevich appears to have borrowed a page from the Warner Brothers play-book. After painting himself into a fiscal corner by promising not to increase income or sales taxes nor cut spending on core state services, the new governor unveiled a \$52.4 billion blueprint that begs for the same willing suspension of disbelief Cartoon Network viewers routinely grant their favorites.

The plan relies on a combination of selected tax increases and fee hikes, deep cuts in higher education budgets and state operations spending, unprecedented borrowing, an impressive array of one-time cash grabs and an accounting sleight-of-hand to narrow dramatically what he says is a \$5 billion budget gap.

While the door always opened for Bugs Bunny, the wall might not be as yielding for Blagojevich. Among the potential sticking points in his plan:

- The governor wants to borrow \$10 billion to pay some \$1.9 billion in current pension obligations, then invest the remainder, earning enough to repay the loan plus interest. The proposal would fill a big chunk of the current budget hole, but could leave future taxpayers holding

The plan relies on selected tax increases and fee hikes, deep cuts in higher education budgets and state operations spending, unprecedented borrowing and an accounting sleight-of-hand.

the bag if underlying financial assumptions don't pan out. Moreover, credit-rating agencies and Wall Street analysts might wonder whether Illinois, which after 185 years as a state has \$8.8 billion in outstanding debt, should double that figure in a matter of months.

- The governor plans on raising \$1.2 billion in ongoing revenue through a number of tax and fee increases, most on corporate taxpayers and all requiring legislative approval.

While leaving the rates unchanged, Blagojevich proposed boosting income and sales tax receipts some \$531 million by closing what he called loopholes, credits and exemptions that business advocates and their legislative allies argue help spur job creation.

He also called for hiking fees, again chiefly paid by business, by some \$342 million.

In addition, he proposed \$208 million in "sin tax" increases, most to come from

the state's riverboats, which would see their top tax rate jump to 70 percent of adjusted gross receipts of \$250 million or more. Claiming the higher taxes would all but sink Illinois boats, gaming industry spokesmen pushed an alternate legislators might prefer: permitting boats to have more slot machines with a promise of even more dollars for the state.

The governor called for skimming some \$330 million annually from more than 500 special funds, as well as a one-time dip of \$144 million this year. Liking the funds to Swiss bank accounts controlled by special interests, Blagojevich said they should be charged a 5 percent management fee to cover the costs to the state's main checkbook account — the general funds — of keeping track of them. (Ironically, the first section of Blagojevich's 27-page pension borrowing bill adds a new special fund — the pension contribution fund — to the current list.)

Lawmakers may disagree. At roughly \$3 billion, for example, the road fund is among the largest special accounts and is a major source for highway funding. With the governor's planned diversions, funding for new road projects would drop 26 percent while the miles of roads needing repairs would jump an estimated 30 percent. Don't expect either prospect to appeal to downstaters.

Besides initiatives meant to swell state coffers year after year, Blagojevich also proposed some \$849 million in one-time revenues, including \$350 million from

selling the 10th riverboat license. Industry analysts, however, cautioned the license would fetch much less if the governor gets his casino tax increase. Moreover, the license is tied up in court proceedings that may not end for years.

The governor also hopes to net \$233 million from selling state real estate, including the Thompson Center in downtown Chicago and the Illinois State Toll Highway Authority headquarters in Downers Grove. That approach, however, is like "burning the furniture to keep warm" said state Treasurer Judy Baar Topinka, the Republican Party chair. And GOP lawmakers warned relying on one-time fixes would only postpone the day of fiscal reckoning.

Meanwhile, local officials from Chicago Mayor Richard Daley on down are likely to be upset by Blagojevich's plan to dock cities and counties \$80 million in revenue sharing he said they were overpaid.

On the spending side, the governor targeted state colleges and universities for \$200 million in cuts, to the chagrin of some legislators with colleges in their

***The governor also hopes
to net \$233 million
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estate, including the
Thompson Center and the
Illinois State Toll Highway
Authority building.***

districts. He also pledged to slash state operations by close to \$1 billion, largely by what he termed better management. The governor doesn't need legislation to leave unfilled some 60 percent of job vacancies due to early retirement or to cut pay 4 percent for 11,000 nonunion workers. Less sure, though, are his chances of saving \$120 million by driving harder bargains with drug makers on prescription costs for Medicaid clients and seniors.

Blagojevich also drew criticism from Republicans for proposing \$715 million

in new general funds spending in tight fiscal times. His centerpiece is a \$250 increase, to \$4,810, in the foundation level the state guarantees for each public school student's education. The boost would help many downstate school districts, but to help pay its \$235 million price tag, the governor would eliminate new funding for some two dozen other programs, most of much greater help to suburban districts than the per-pupil guarantee. On the list: \$67 million for safety grants, \$29 million for textbooks, \$19 million for gifted students, \$8 million for regional superintendents' salaries and \$65 million for Chicago teacher pension contributions. A similar effort to combine programs last year went nowhere, and support again may be hard to muster from lawmakers whose districts stand to lose money.

Such obstacles notwithstanding, the governor has sketched a way out of his corner. In the coming weeks, we'll all find out whether the door actually opens. □

Charles N. Wheeler III is director of the Public Affairs Reporting Program at the University of Illinois at Springfield.



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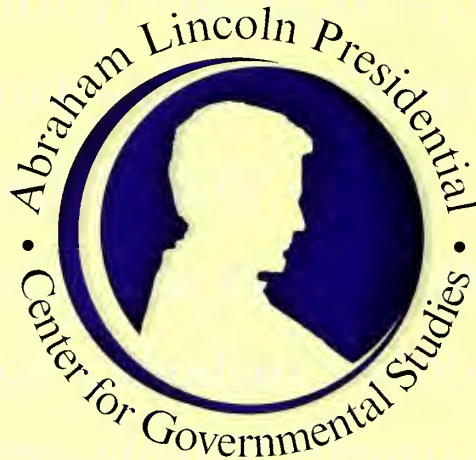
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